

NACIQI Meeting July 27-29, 2021
Day 3 – July 29th
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Candace Evans: Good morning and welcome back to the NACIQI summer meeting. As a quick reminder, please open the chat panel by using the associated icon on the bottom right corner of your screen. If you require assistance, please send a private message to the event producer. For optimal viewing, we recommend using grid view, which you can select under the layout menu located just to the left of the participant panel. Agency staff will be moved to the panel during their review, and if you would like you may share your video. With that, I will turn today's conference over to George Alan Smith.

George Alan Smith: Good morning, and welcome everyone. This is day three of a meeting of the National Advisory Committee on Institutional Quality and Integrity, also, known as NACIQI. I'm George Alan Smith, the Executive Director and designated federal official of NACIQI. As many of you know, NACIQI was established by section 114 of the Higher Education Act of 1965 as amended and is also governed by provisions of the Federal Advisory Committee Act as amended, which sets four standards for the formation and use of advisory committees. Sections 101C and 487C-4 of the HEA and section 816 of the Public Health Service Act 42USC section 2966 require the Secretary to publish lists of state approval agencies, nationally recognized accrediting agencies and state approval and accrediting agencies for programs of nurse education that the Secretary determines to be reliable authorities as to the quality of education provided by the institution and programs they credit.

Eligibility of the educational institutions and programs for participating in various federal programs requires accreditation by an agency listed by the Secretary. As provided in HEA section 114, NACIQI advises the Secretary in the discharge of these functions, and it's also authorized to provide advice regarding the process of eligibility and certification of institutions of higher education for participation in the federal student aid programs authorized under Title IV of the HEA. In addition to these charges NACIQI authorizes academic graduate degrees from federal agencies and institutions. This authorization was provided by letter from the Office of Management and Budget in 1954. And this letter is available on the NACIQI website along with all other records related to students, NACIQI's deliberations. At this time, I'll turn it over to our chair, Art Keiser.

Arthur Keiser: Well, good morning, everyone. A little different than George's perspective. This is the last day of day three. So it's the last day of our meeting. And I think many of us will be happy about that. What I want to do, we will have the Renewal of Recognition for the Commission on Osteopathic College Accreditation. But before that, I want to just sort of discuss what my plans are. I'm hoping that we will finish by noon. I think we should be able to. After we finish the recognition review, what I'm going to do is go to a roll call and ask you to bring up the topics that you want to bring in the policy discussion. In that way we will follow those right down the list as we move through the discussion on what our policy

recommendations should be. And remember we're an advisory committee, so the purpose is to make recommendations to the secretary or to his designated official.

So I hope that's okay with everybody. So I'm going to work on trying to keep us on time. My job is also to discuss the standard reviews procedures. For those who have not heard this before, we go through a process and where we will introduce the primary readers who will introduce the agency application. At which point the department staff will provide briefings and we will have an opportunity to ask questions if we need it. Then the agency representatives will provide comments regarding their petition, at which point, the discussion by the NACIQI members and trying to find out any additional information that we need. We then hear the third-party comments, and we do have a number of those on this particular commission. The agency responds to the third-party comments and the department responds to the agency and the third-party comments, and then we will have a discussion about that.

Okay. It is my honor to ask that the committee look for the Renewal of Recognition on the American Osteopathic Association Commission on Osteopathic College Accreditation. Our primary readers are Wally Boston, Anne Neal is not with us. I think she decided to retire this year. I've been working with her for so long and surely we'll miss her erudite comments, but Wally you have agreed to do this alone, I'm proud of you. Good work. So you're on. You're muted, Wally

Wallace Boston:

Thank you, Art. I'm glad that you recognized the hand. I was going to do the same, but certainly a long-standing member of this committee and glad for her service. I'm proud to introduce the Commission on Osteopathic College Accreditation or COCA. It's a standing committee of the American Osteopathic Association, AOA. The COCA currently accredits 33 Osteopathic Colleges of Medicine, and another four have a status of pre-accreditation. Because these osteopathic medical education programs may be offered in either freestanding institutions offering only these programs, or in larger institutions offering other educational programs, the agency is considered both an institutional and programmatic accreditor. Of the 37 colleges of osteopathic medicine accredited or pre-accredited by the AOACOCA, five were located in freestanding institutions. For these institutions, AOACOCA accreditation is a required element and enabling them to establish eligibility to participate in Title IV programs.

The department received no third-party comments in reference to AOACOCA. Just a little bit of background, the AOACOCA as previously configured was first recognized by the US Commissioner Of Education in 1952. So that's back to the earliest days and it has received periodic Renewal of Recognition since then. The agency was reviewed for continued recognition at the August 2016 NACIQI meeting and the agency received continued recognition by the senior department official as indicated in the October 2016 decision letter. The SDO's letter also indicated the agency was required to come into compliance with a

number of areas of the Secretary's criteria within 12 months. The agency had to submit a compliance report 30 days thereafter demonstrating compliance. You SDO found the agency compliant and granted recognition for three years as indicated in the August 2018 decision letter. The agency submitted an application for Renewal of Recognition for review at the summer 2021 NACIQI meeting, and that application is the subject of this analysis. I turn it over.

Arthur Keiser: I try to mute and then I always forget. I apologize. The agency representative I'm honored to introduce is Karmon Simms-Coates. Karmon.

Karmon Simms-Coates: Good morning, Mr. Chair and members of the committee. My name is Karmon Simms-Coates, and I am providing a summary of the review of petition for Renewal of Recognition for the American Osteopathic Association, Commission of Osteopathic College Accreditation or AOACOCA. The staff recommendation to the senior department officials for AOACOCA is to renew the agency's recognition for a period of five years. This recommendation is based on review of the agency's petition and its supporting documentation, as well as observations of two virtual board meetings in August 2020 and April 2021, the department did [not] receive any complaints or third-party comments during the recognition period.

However, the department conducted an inquiry based on comments provided in an article regarding for-profit institutions that were pre-accredited or accredited by the agency. The department collected and reviewed accreditation documentation on two of the agencies for-profit institutions. I determined the agency followed the standards, policies, and procedures that comply with the Secretary's recognition criteria. The accreditation group director issued a letter informing the agency that there were no compliance issues as a result of this inquiry. There are representatives from the agency that are here today to respond to your questions.

Arthur Keiser: Good morning, members of the commission. Let me introduce them to you, David, Forstein, DO, Chairperson of the Commission, Provost and Professor at Rocky Vista University. Joshua Prober, JD, Senior Vice President and General Counsel of the Commission. Wambui Wang'ombe, I'm having a hard time with the names, Associate Vice President of Operations and Accreditation and Daniel Mendelson, who's the Director of Accreditation for the Commission. Welcome gentlemen and if I butchered your names, I apologize.

David Forstein: Good morning, Chairman Keiser. Thank you for allowing us to be before you this morning. Good morning to NACIQI members and department staff. My name is Dr. David Forstein. I'm an osteopathic physician, Professor of Obstetrics and Gynecology and the President and CEO of Rocky Vista University and I currently serve as the Chairman of the American Osteopathic Association, Commission on Osteopathic College Accreditation. Joining me today as Mr. Keiser said, are Josh Prober, Senior Vice President and General Counsel to the American Osteopathic Association, Wambui Wang'ombe, Associate Vice President of Operations for Accreditation, and Dan Mendelson, who's our Director of

Accreditation. The COCA has been recognized as an accreditor of osteopathic medical education programs and institutions since 1952. We currently accredit 43 osteopathic medical programs operating at 58 sites across the country, including branch campuses and additional locations. Last year, over 7,500 students graduated from COCA accredited programs.

The College of Osteopathic Medicine include a mix of public, not-for profit, and for-profit institutions, all of which must comply with the same standards. For most schools, the COCA serves as the programmatic accreditor, but it also as the institutional accreditor for a handful of schools that only offer the Doctors of Osteopathic degree. The COCA is comprised of 21 volunteer commissioners representing osteopathic medicine, medical education, and the public. Last year, the COCA expanded its membership to include two osteopathic medical students who bring a unique perspective to the work we do. In addition, we have over 130 volunteers that serve as our site evaluators. The roots of osteopathic medicine go back to the mid-1860s when Andrew Taylor Still, an MD, was looking for new ways to treat his patients. The osteopathic philosophy which is practiced today, involves seeing patients as a whole person, not just as a collection of organ systems, parts of the body, or symptoms.

These principles acknowledged the importance of the musculoskeletal system and its role in health and disease management. This holistic approach to patient care means that osteopathic physicians integrate the patient into the healthcare process as a partner. Today, there are more than 121,000 osteopathic physicians practicing across the country. We are licensed in all 50 states and practice next to our allopathic colleagues in private office offices, clinics, hospitals, the military, and other settings. A little over half of osteopathic physicians specialize in a primary care field, helping to fulfill a need for primary care physicians in this country. But osteopathic physicians are representative in every medical specialty. Many DO's choose to practice in rural and underserved areas. Several osteopathic medical schools are located in underserved areas, including inner cities along the Southwest border, and in Appalachia. One of our institutions has recently opened in Tahlequah, Oklahoma in conjunction with the Cherokee nation, which is the first collaboration of its kind for any medical school.

Many of our schools have been involved in their communities during the COVID-19 pandemic and we are proud that many of our students sought out opportunities to assist with COVID-19 screens and vaccinations. Osteopathic medical students received training similar to allopathic students, involving two years of preclinical work centered in the classroom and laboratory, followed by two years of clinical learning provided in a variety of healthcare settings. Upon graduation, education students move on to residencies and fellowships in their chosen specialty. For the last two years, nearly 99% of DO students were placed into residencies upon graduation, which is in line with the placement rates for our allopathic counterparts. Osteopathic medical students must pass standardized exams throughout their education, which ultimately lead to state licensure. The COCA tracks first-time pass rates for those exams, and the

majority of our programs have first-time pass rates above 90% and none are below 80%.

This does not count the students who pass the exam on a subsequent attempt which is required to advance through and complete the program. On behalf of our accreditation staff, I would like to extend my thanks to Mr. Herman Bounds, Ms. Karmon Simms-Coates, and other staff in the accreditation group who have guided us through the preparation of our petition materials. The majority of this work was done during the height of the COVID-19 pandemic and we appreciate the staff's dedication to properly answer questions. In addition, we would like to thank Ms. Simms-Coates for taking the time to participate in two of our remote meetings. We look forward to answering whatever questions you may have.

Arthur Keiser: Thank you, Dr. Forstein. Wally, you are the lead reader, do you have questions?

Wallace Boston: I do. I do. I'd like to start out with section 602.16BC, distance correspondence education. During the pandemic, it certainly was well known that colleges everywhere moved a number of their classes online and there were special exceptions made by the department for institutions that did not have designation to teach online. I noticed that you have not changed your policies or practice and are not asking for any substandard change. I'm just curious. I'd like your perspective on particularly the classroom. Let's leave out the clinical, but the classroom that your institution's students have to do in the first two years, if many of those moved online and why your agency wouldn't be seeking an additional recognition for distance learning in that this pandemic and others may not be over with?

David Forstein: Thank you for that question. I'm very proud of the way our college has responded to moving to online education almost immediately. And then once in some places when the schools were allowed to open in person, to move the labs back into the classroom. Let's space them out throughout their buildings, reduce the number of students in the labs at any one time so that we could have as much physical distancing as possible while continuing their education. We've not sought to move to distance education because right now we're still practicing under the emergency waiver given by the Department of Education that's allowed online education. All of our schools have moved back to in-person education.

You didn't ask about clinicals. Let me just address that briefly. So for many of our students, the hospitals closed to them in March, but by middle of June had reopened. So the senior students missed part of March, all of April and all of May. So two and a half months at a time of the year when many of them are on electives anyway, and then they graduate. The third year students missed that same period of time, but by June or July, in some cases by August, they were back in the hospitals and we're able to make up any rotations that they missed in person and was supplemented by online education.

Wallace Boston: I'm still curious, particularly as an agency accrediting institution in the healthcare area and I'm trying to certainly keep the politics and just the scientific perspective. There are areas around the country that are remasking right now and many colleges are reinstituting mask requirements. And I guess if this new infection continues to spread that we could have a similar situation that we did a year ago. And I'm just curious if the reason that you all decided not to seek this was strategic or just the fact that you expected business to go back as usual.

David Forstein: I don't think it's that we expected business to go back as usual, but we're operating under the Department of Education's waiver and passed that waiver on to the schools to allow for distance education where needed. All of our schools believe that in-person education, particularly in physical diagnosis, osteopathic manipulative medicine labs, our standardized patients, our simulation labs, have to be conducted in person as much as possible. Anatomy lab would be another place that would be important. Things like lectures, discussion groups, those can be done online whether it's at a distance or not. And if the schools have learned that they want to continue doing that, then we will seek recognition at the appropriate time. But while we are under this emergency waiver, which I believe runs through all of 2021 and part of 2022, we thought it was premature to seek that recognition.

Wallace Boston: Okay. I noted that there were a number of criteria that initially you all did not meet, that later submission of documentation satisfied the departments reviewers. So I am going to defer any other questions right now to the rest of the NACIQI team.

Arthur Keiser: Thank you, Wally. Bob, you have your hand up.

Robert Shireman: Thank you. So section 602.3 of the regulations define the scope of an accrediting agency and those allow the Secretary to limit the scope of an agency based on the type of institution, as well as other factors. The Secretary's decision letters that we have from 2011 and 2016 did exactly that, they limited COCA's scope of recognition to public and private nonprofit institutions of osteopathic medicine. Subsequently, the 2018 decision letter no longer restricted the scope allowing for-profit as well as nonprofit and public institutions, yet your agency pre-accredited and accredited at least three for-profit schools before 2018, Rocky Bester, Burrell, and the Idaho example you provided for our group. There may well be a perfectly reasonable explanation for this. Can you tell me why for-profit institutions were accredited apparently before the Secretary was allowing that?

David Forstein: Thank you for that question, Mr. Shireman. The history of accreditation and the scope of the recognition given to the COCA and its predecessor, the Bureau of Professional Education extends back before the timeline after you provided. Initially the scope of authority given to the agency, the Bureau of Professional Education was unrestricted. It included all colleges issuing a Doctor of Osteopathic Medicine and Doctor of Osteopathy a DO degree. That was

subsequently revised to limited solely for not-for profit organizations after complaints had been assigned to the mission by a for-profit organization that was interested in securing accreditation. Thereafter, there was a discussion within the COCA and its predecessor, the Bureau of Professional Education as to whether it was important to maintain that restriction on for-profit education and not-for profit to allow for accreditation for-profit schools.

And so there was a decision made at that point. The Bureau of Professional Education felt that it would be important if Osteopathic Medical Schools were to be accredited, that it be done through the Bureau of Professional Education and therefore those decision made to revisit that scope of accreditation issue, the requirements of the NACIQI in terms of seeking the scope of accreditation authority at that time required that an organization actually accredit the School of [inaudible 00:24:59] before they could seek a formal recognition from the NACIQI to engage in an accreditation of for-profits. At about that time, the Rocky Vista School had approached the Bureau of Professional Education and indicated it was interested in pursuing a osteopathic degree program. And so the Rocky Vista School became the first for-profit school that was accredited by the Bureau of Professional Education.

As soon as that recognition accreditation was granted, we reached out to NACIQI and the scope of accreditation was expanded. I believe the timing that you had referenced, I'm not certain why there's a discrepancy, but that was the point at which we did receive recognition from NACIQI and following that recognition, we did begin to receive inquiries from other for-profit schools that were interested in establishing an accredited College of Osteopathic Medicine. And so as they worked their way through the process, they eventually did receive pre-accreditation status. But I believe that the specific recognition from NACIQI coincides with the granting of accreditation to the [inaudible 00:26:19].

Robert Shireman: The documents we actually have in our historical record are the 2011 letter, the 2016 letter, and the 2018 letter. The first one that removes the restriction is 2018. So at least according to the documents that we have available to us, for-profit schools accredited by COCA would not have been eligible for Title IV aid prior to that 2018 decision letter. Do you know whether schools are receiving Title IV aid prior to 2018?

David Forstein: As I indicated, I think that there seems to be a discrepancy with the records. We have an earlier letter that we can provide, but we did not authorize federal assistance until such time as we did receive that recognition, and we're happy to submit. I don't have that letter sitting here right in front of me now.

Robert Shireman: Okay. Thank you. I am concerned that the records we have before us are showing a big discrepancy between, apparently schools that were receiving Title IV aid and those that are eligible to receive Title IV aid. So I would hope that something can be worked out.

The second topic that I wanted to bring up is one related to COVID. These are concerns about some of the accreditation to for-profit institutions. You may have heard the discussion with the ABA yesterday about their experiment with for-profit institutions. They said that one of the things that they have learned since they entered that whole realm, was that they needed to pay closer attention to the structure of financial relationships. And I am concerned about COCA's competence on the issue of corporate control and corporate relationships. I know you've looked into this, so I will appreciate your input on this. But the upshot of what I've seen in the Idaho school that you've included as an example as well as the Burrell school, is that the schools are presenting themselves as one thing to students and regulators, and a different thing to investors. To the students and prospective students they have an esteemed Board of Trustees that is supposedly in charge, but there is a separate Board of Directors of the actual corporation that owns the school and that corporation has more control, as I read it, that is allowed by COCA's standards.

The governing documents for Burrell and the Idaho school, for instance, would require that the school's Board Of Trustees, who are supposedly in charge, have to obtain the approval of this separate LLC Board of Directors in order to adopt the annual budget, significantly different from the prior year, incur substantial liabilities, or sell the school's assets. Thus, even though these boards of trustees are publicly presented as the governing bodies of these schools, they are limited in their authority. Section 602.17 requires that an agency have effective mechanisms for evaluating institution's compliance with its standards. It looks to me like your approval of this institution, despite this structural problem in its governance and financing raises an issue of serious concern. You want to start? I have some more, but why don't you tell me what your thoughts are on that issue?

David Forstein:

Two standards become particularly relevant in this area. One standard is that under standard 3.1, the school is required to provide funding adequate for a sound educational program. In connection with the accreditation process, we are provided with a budget and three years of data, but the most important part of that of course, is that there'll be sufficient funding adequate for establishing a sound educational program. Secondly, the standards require that the COM or its parent institution provide the Dean with the budgetary and resources and authority necessary and the responsibility for the management of the COM. The COM of Osteopathic Medicine.

And so between those two standards, there's an expectation that the board will provide the resources sufficient for the medical educational program. And second, that the authority given to the Dean to fulfill their responsibility. Now, important there isn't that the Dean is given a check by the board of the governing body, but that expectation just as one of the Colleges of Osteopathic Medicine sitting within a nonprofit will require approval from outside that system from the university, also, only for the budget. The issue that we were to in the accreditation process is the sufficiency of that budget as assessed and evaluated by numbers of appropriately included educators, hence to see if that

is in fact a sufficient level. And second, has there been any intrusion on the Dean's authority? So there's no expectation that the Dean be given every financial request. There is a responsibility of financial stewardship. Those are the expectations that would apply to both a for-profit and a non-for profit.

Robert Shireman: Thank you. I'm glad you brought up your COCA element 3.3 regarding the Dean and financial resources. So that requires the school to provide the Dean with the resources and budget authority necessary to fulfill his or her responsibility for the management of the school. In exhibit 39 that you provided to us, you've provided your evaluators review of that particular element. That evaluator said, and I quote, "The budget is built from the bottom up." This is on page six. The budget is built from the bottom up through departments up to administrative divisions with final approval and revisions through the Dean. The final budget is approved by the President and Board of Directors who hold final responsibility." From the bylaws, that is not true. Your evaluator is saying and has concluded that the Board of Trustees hold final responsibility for the budget, but it is actually the Board of Directors that have final-

Robert Shireman: ... but it is actually the board of directors that have final responsibility for the budget, not the board of trustees as publicly presented. So the claim that the board of trustees has the final authority, it's directly contradicted by the bylaws.

Let me bring up a second element that you didn't bring up. Element 12.1 requires that all institutions to which COCA extends accreditation or pre accreditation have a "autonomous appointed functioning governing body". That same exhibit, 39, says that this requirement was met with the board of trustees. However, the bylaws say that those board of trustees, some of them are externally appointed by the LLC and by other parties. So it does not seem to be an autonomous board as required by COCA's standards. Thank you. You can respond to those concerns. I think you are muted,

David Forstein: Josh. You're on mute.

Joshua Prober: Sorry. In the question with respect to the question about the evaluator, what he reported on his findings, I think you're distinguishing between what he saw and heard on the ground versus what might be in the bylaws. So the explanation of the process as it was actually going forward, there was hardship being developed from the bottom up. Consultation with each academic department as to their needs and expectations, running through the administration of the school, and ultimately heard by the Dean, and then submitted out to the larger governing board to see that it is sufficient and appropriate for the school's financial resources and system of their responsibility and stewardship. That project was done [inaudible 00:37:13]. So I think what you're saying is, the report from the ground as to how it actually played out and what the observation was as determined through interviews of the faculty and the administration about the budget setting process and the budget determination.

With respect to the second issue of talk point one, the agency's understanding of how the board... It was recognized that there are certain slotted positions within the organization. And it was felt that the process would have been to reach out to those slotted organizations for the nominees and that this was working through that process. So the agency's understanding of what the standard required, well, it's not inconsistent with that process.

Robert Shireman: So I'm hearing you say that... As you know, when schools go through accreditation and they prepare themselves for the accreditation and they present what they think the agencies want to hear. So I suppose I am not surprised that the evaluator's analysis was based just on talking to, interviewing members and in meetings that they would gain the same impression about the control of the institution as was being presented publicly at that time. It sounds to me, however, that the evaluator, and no other process within COCA, reviewed the actual documents that control the corporations and the subsidiaries of those corporations to see whether what they were saying their process is and what the formal governance of the organization is, was actually true. So I appreciate that they viewed a budget process that they felt was okay, but in terms of the formal governance, it is not, as portrayed by the evaluator.

This is exactly the issue that the APA brought up yesterday regarding the structure of financial relationships and really understanding... just the importance of really understanding the structure of those relationships when you're dealing with any kind of corporation, nonprofit, for profit, and public institutions. As you know, the other, the MD accreditor is only a program having accreditor that's not, does not involve itself as much with some of those governance of the corporate governance issues. I am concerned that as far as the freestanding five freestanding institutions, we have two, Burrell and ICOM, where you seem to have a serious discrepancy between what COCA thinks is going on at those institutions versus what documentation actually says at institutions. On top of that, we have another documentation problem where it seems that schools apparently were receiving Title IV-A before. We have a letter from 2018 indicating that they were authorized to accredit for-profit institutions.

Mr. Chairman, I'm finished with my questioning. I don't know whether, Josh, you wanted to say anything more.

David Forstein: Let me jump in here because I have a letter in front of me from July 11, 2012, from [Kay Gilcher 00:41:18], Director of Accreditation Group, to Dr. Konrad Miskowicz-Retz, who was the secretary of the COCA at the time, granting the COCA the ability to recognize and accredit for-profit schools. So I'm sorry that you don't have that in front of you, but we will be happy to share that with the NACIQI. That is on US Department of Education, Office of Postsecondary Education letterhead, so I believe that we had that authority as of July 11th, 2012. [crosstalk 00:41:48].

Robert Shireman: And as far as you know, that went through NACIQI?

Arthur Keiser: That would not go through NACIQI, Bob. Herman, would you like to comment?

Herman Bounds: Thanks, Art, I would like to comment. That letter that they have was signed back in 2012 and it... I hope that's not me causing the feedback. Anyway, that letter was issued by Kay Gilcher, the Accreditation Group Director, in 2012. At that time, remember this is 2012, this is not now, but in 2012, it was determined that that was a technical change to the agency's scope. CHEA made that decision and issued the agency that letter. So from that time on, the agency was under the impression, based on that letter, that they could have accredit... Not only impression, but they had that letter saying that they could have accredit for-profit schools. There has been some confusion with the later decision letter which put that information back in, but then that was corrected again in 2018. So, the agency has... Again, has that original documentation saying that they could, there was another letter issued by an SDO that had put that language back in, and then the 2018 letter, I believe, had taken that back out. So there is a serious circumstance issue.

Robert Shireman: Herman, were there letters from COCA about the 2016... After the 2016 letter included the same restriction that had been in the 2011 letter, did COCA send letters or anything saying, "Hey, there's a problem with this letter"?

Herman Bounds: I would have to look back in the record to see, Bob, but you notice that that next letter that came out two years later, I think it was 2016, had that corrected. So there could have been some discussion during that time with that 2018 decision letter. I just wanted to lay out and make clear to the committee that there was a letter who authorized COCA to accredit for-profit institutions. There was an issue that occurred in 2016, and remember, you're talking several years ago, but a correction was made in 2018. So I'm just saying they were-

Robert Shireman: Yeah. It was never described as a correction so I see no acknowledgement anywhere that anybody's made a mistake. It's just a weird... This is a very strange circumstance. The 2012 letter is not in the historical documents that is in the record [crosstalk 00:44:45] for NACIQI's [inaudible 00:44:46]

Herman Bounds: The letter is in our historical documents because-

Robert Shireman: I'm sorry. In the section that you provided NACIQI of historical documents, it is not included. So it is not [crosstalk 00:44:58] in the record that we have.

Herman Bounds: We were reviewing them for this recognition period so that wouldn't need to be included.

Arthur Keiser: If I may, I think that this can be dealt with out of the meeting, but we do appreciate the questions. I'd like to recognize Mary Ellen Petrisko.

David Forstein: Mr. Keiser, I just want to point out that we do have communications from the department describing that the 2016 letter is containing a mistake on this issue. And we can provide those for you if you'd like.

Thank you. Mary Ellen?

Mary Ellen Petrisko: Thank you. Can you hear me? Yes. You can hear me? Good. First of all, I will say that it is not unusual for programs or even institutions to be part of a larger whole. It is also not unusual... And that's for-profit, that is non-profit. And in those cases, it's... Very often the case that's from the accreditor's standpoint, there is a specific policy about related entities. It doesn't have to be a policy on related entities, but it helps to clarify what the roles are and the responsibilities of the accredited body and the related entities. So my question is, and, Josh, you addressed specifics of your documentation. Is there a specific related entities policy or is it spread over, perhaps, a couple of policies how, in the case of related entities, the responsibilities of boards on both sides, or maybe more than both sides, are handled? And is that clear to institutions? Is that clear to you as an accreditor? That's my question. But I just wanted to say it's not unusual for that to happen.

Joshua Prober: Don't think we have a great lot of detail in terms of policy on the related entities. There is an expectation that when the school is part of a... I believe this is the section that Mr. Shireman decided that the school has to have some level of autonomy. There's an expectation that the Dean will be given sufficient resources to put in place a sound medical education program. And there's also a recognition that there will be an improvement process that goes through the larger entity. The policies probably could use a little added clarity on that and it's something that we can work on, but it is not a detailed policy.

Mary Ellen Petrisko: Thank you. But it is addressed. Those responsibilities are aware and there's clarity on your part and on the institution's part. That relationship has to be clear and sufficient authority has to reside in the "accredited by".

Joshua Prober: That's correct.

Mary Ellen Petrisko: Thank you very much.

Arthur Keiser: Jennifer? Jennifer, you're muted.

Jennifer Blum: Sorry. Thanks. So I'm going to stick with the same line, and I think Bob's raising, I would call them governing type questions. I have a follow up on Mary Ellen's point too. When you're reviewing an institution for approval or reapproval, the accreditation, do you look at, for example, not all board minutes, but do you review the board of trustee minutes as part of that? Is that part of their submissions and their SERs?

Joshua Prober: That's correct. The [inaudible 00:49:11] review minutes from the board meetings, from other relevant parts within the structure of the organization. [Crosstalk 00:49:20] They have meetings directly with the board members and they can discuss specific concerns that they might see in the minutes.

Jennifer Blum: So do you, for example, would the example of that be when you don't have some familiarity with the processes of the budget and stuff. So final decision-making around the budget, going back to that. That would be something that you might see in the board of trustee... I'm going to be really specific, the board of trustee minutes, final approval of an annual budget for the institution, is that something that you would look for or keep an eye on?

Joshua Prober: That's correct. That's a very important part of the documentation that would be reviewed.

Jennifer Blum: Yeah. I happen to think the board of [crosstalk 00:50:03] trustees minutes are an important, I would think, would be an important element of any accreditor's review [crosstalk 00:50:12] processes on whatever regular basis that you're looking at an institution.

Joshua Prober: We agree.

Jennifer Blum: Yeah.

Arthur Keiser: Thank you, Josh.

Jennifer Blum: Well, I have one... Can I just make one final comment about that? When we talk about governance issues, which is really what we're talking about here, I would posit... I'm going to say something that might be somewhat controversial, but I would posit that the makeup of any... It doesn't matter the tax status. I would posit that the makeup of higher ed institutions boards is kind of an interesting subject regardless of tax status these days. So I'll just leave it at that.

Arthur Keiser: Okay. Mary Ellen, is your hand still up?

Mary Ellen Petrisko: No.

Arthur Keiser: No? Yes? It's down now, okay. Seeing no other hands, we do have a series of third-party commenters. I would like to re... We have two that are on the agenda, then we have four who signed up on the day of the visit or the day of the meeting. I would like to remind the third party commenters that they have three minutes and only three minutes, and then I will cut you off. We appreciate you being here and we do believe that your comments are important to us. The first third party commenter is Miss Alejandra Acosta of New America.

Alejandra Acosta: Hi there. Can you all hear me?

Arthur Keiser: We can.

Alejandra Acosta: Great, thank you. Good morning, everyone. My name is Alejandra Acosta, policy analyst with New America. Thank you again for the opportunity to comment today. I was going to originally talk about issues facing COCA's accrediting of for-profit agencies before it was committed to and potential governance issues, but I think that there is a different core issue here that we have talked about before, which is the availability of documents to both NACIQI and the public.

So instead of talking about issues with the accreditors specifically, I want to highlight that I'm concerned that neither the department nor NACIQI are thoroughly reviewing documents and evidence when reviewing accreditors. This is both allowed and encouraged under 602.32(d). Specifically, it says that the department staff can take into account all available relevant information concerning the compliance of the agency with criteria and the effectiveness of standards. So I want to highlight more my concern that this is not happening and that documents are not made available to the public, as we have said before. And probably more importantly, a greater concern of mine is that not everything is available to NACIQI and to the department, that not everything is being reviewed when looking at an agency. So that is what I would like to highlight today. Thank you again for the opportunity to comment. (silence).

David Forstein: Mr. Keiser, we can't hear you. You're on mute.

Arthur Keiser: Okay. My mind works faster than my fingers [crosstalk 00:53:42]. I'd like to welcome now Miss Amy Laitinen from New America. And again, thank you, Miss Acosta.

Candace Evans: I don't see her in the room at the moment.

Arthur Keiser: Okay. I will then move to... I don't know if it's Humayun Chaudhry? The Federation of State Medical Boards. (silence).

Mr. Chaudhry, I see you on the thing.

Humayun Chaundhry: Yes, [crosstalk 00:54:23] good afternoon.

Arthur Keiser: Good morning.

Humayun Chaundhry.: Can you hear me and can you see me?

Arthur Keiser: Yes.

Humayun Chaundhry: Very good. My name is Dr. Humayun Chaudhry and I am the president and CEO of the Federation of State Medical Boards of the United States, a position I've held for 12 years. The FSMB was founded in 1912 and represents all of the state

and territorial medical boards in the US that license and regulate the practice of medicine by the nation's more than one million physicians, MD and DO.

I welcome this opportunity to speak on behalf of the FSMB, as we have in the past, in support of the continued accreditation by the Department of Education of COCA. The FSMB strongly supports the continued activities of COCA to accredit the nation's medical schools offering DO degrees. The nation's state medical boards, in fact, rely upon COCA's high accreditation standards and guidelines to assure that only qualified medical schools are given the privilege to educate and train the next generation of our nation's physicians whom we then license. I co-wrote a book on medical licensing and discipline in America some years ago and know well that, at one point in our nation's history, the state medical boards played an important role in assuring the quality of the nation's medical schools, especially during the first quarter of the last century. We no longer play a direct role in overseeing undergraduate medical education because of entities like COCA and LCME, whom we regard as partners in fulfilling our statutory mission to protect [inaudible 00:55:47] and promote quality in health healthcare.

We understand there are concerns about existing and emerging for-profit schools. I had the honor and privilege of serving on COCA as a commissioner for three years, early in my professional career. This was back in 2004 to 2007. If the LCME and COCA don't accredit for-profit schools and hold them to the same standards as nonprofit schools, we worry, frankly, that a third party with potentially lower standards and little or no prior experience in these matters could seek similar approval and diminish the value of a US medical school education. In the FSMB's view, it is far better to keep the for-profit schools within the fold and under the overview of current accreditation entities like COCA and LCME, which we know and trust will hold them to the same exacting standards as they do for nonprofit medical schools. Finally, let me take this opportunity to thank the members of the National Advisory Committee for their activities. We, too, support transparency and service to the public as well as the promotion of quality and integrity. Thank you.

Arthur Keiser: Thank you, sir. The next speaker is Brian Kim from the Arkansas Colleges of Health Education.

Candace Evans: Art, I understand that Amy Laitinen is in the room. If I could ask you to please press star three on your... Or raise your, I'm sorry to press the "raise hand" button on the WebEx so I can find you? It should be right above the chat feature. Press "raise hand" so I can find you, but I will move Brian up right now.

Arthur Keiser: Yes, Mr. Kim. Brian, you have three minutes. Brian?

Candace Evans: No, she's not.

Arthur Keiser: Brian?

Candace Evans: Please go ahead, sir, your line is open.

Arthur Keiser: Brian Kim, we still can't hear you.

Brian Kim: Can you hear me now?

Arthur Keiser: We can now. Please.

Brian Kim: Thank you. I apologize. Thank you, Mr. Chairman and members of the advisory committee. My name is Brian Kim, president of the Arkansas Colleges of Health Education, and among our programs is a college of osteopathic medicine which is an accredited program by COCA. My prior experience before becoming president of this institution was as secretary to the COCA, between 2016 and 2019, when I was somewhat involuntarily moved to the presidency of this institution. So I reluctantly accepted and left. During that time, I had the firsthand experience of seeing how the COCA work, being basically the executive director and executing the COCA's decisions and managing all of the site visits that are referred throughout the United States of all of the osteopathic programs. What I can say from that experience is one, the COCA acted in as transparent a manner as possible.

To the previous comments regarding lack of transparency and so on, as all of you know, documents of an institution for higher education contain much confidential content. Many of which, by law, are shielded from public view, except when requested by the Department of Education or during a review for recognition by the NACIQI for recommendation to the senior department official. I can tell you that during the 2016 review that led to the 2018 review, while I managed that recognition process, we provided anything and everything that the department requested. The COCA, itself, operated in a transparent manner. And in fact, I believe during that time, it moved to a more transparent operational process than it had ever before.

If I may, I'd like to address a question. I believe it was Ms. Daggett who raised a question with respect to the governing body, whether there was a COCA policy. Standard 1.3 at every level of accreditation, whether it's candidacy pre-accreditation or continuing accreditation, does say, and I'm just going to read verbatim: A COM must have a governing body or be part of a parent institution with a governing body.

So the COCA does have a specific policy, or a standard requirement, of those governance that must be described and demonstrated. And should the COCA have requested a program for those governing documents, there was no reason why the program would not provide that.

Arthur Keiser: Mr. Kim, thank you very much. We appreciate your presentation. We now need to go to Robert Hasty from Roundcity. Mr. Hasty?

Candace Evans: Give me one moment, I'm moving him up now. Amy Laitinen is here and she is available for comment as well.

Arthur Keiser: Okay, I'll have her at the end. Mr. Hasty?

Robert Hasty: Good morning. My name is Dr. Robert Hasty. I would like to provide this testimony this morning in support of the integrity and equality of the accreditation process of AOA's Commission on Osteopathic College Accreditation, or COCA. I'm a career academic physician with extensive experience with medical education of both nonprofit and for-profit colleges of osteopathic medicine, or the COMs.

My experience with COCA is that they are an excellent accreditation body with tremendous integrity and attention to detail that holds osteopathic medical schools to the highest standards. I was the founding Dean for ICOM, Idaho's first medical school. In a state that ranks 49th in terms of physicians per capita, neither state government support nor private non-for-profit sector support had been sufficient to allow for the creation of a medical school, despite various efforts over many years. As the founding Dean for a for-profit medical school, I had all necessary budgetary authority and every resource that I'd asked for to successfully start a medical school that will positively impact society for generations to come. Starting the first medical school in the state, we had more statewide attention and transparency than probably any medical school previously, public or private.

As a former founding member of the board of ICOM, I can speak from personal experience in saying that our board was truly independent, continuously acted in good faith in fulfilling the fiduciary responsibility to the social mission of the school, enabling us to create one of the finest start-up medical schools ever, complete with the best equipment, facilities, faculty and staff, to create opportunities for students that will eventually provide tremendous access to rural and underserved people in Idaho and beyond. I believe that many of the innovative things that we did, that created the world-class experiences for the medical students, would not have been possible in a public or a nonprofit startup institution. The average tuition for private for-profit COMs is the same as private not-for-profit medical schools, both MD and DO, and cheaper, when government support is factored in, compared with public allopathic and osteopathic medical schools.

All COMs, including for-profit COMs like ICOM, offer some of the highest job placements of any degree in America with 99.29% of DO graduates in 2020 seeking residency programs being placed. The DO degree may be the most viable degree in America in terms of job placement. Capitalism is the backbone of democracy and the American ideal. While unregulated capitalism, including unregulated education, has significant pitfalls, osteopathic medical education is the shining example where excellent accreditation and regulation with integrity allows the incredible innovation services [inaudible 01:04:07]. The private industry delivers. Thank you very much for the opportunity to present.

Arthur Keiser: Thank you, Dr. Hasty. The fourth speaker signed up on the first day was Dan Arvizu from New Mexico State University. We had a former member from New Mexico State. Mr. Arvizu, are you there?

Dan Arvizu: Yes.

Arthur Keiser: Candace?

Dan Arvizu: Can you hear me? This is Dan Arvizu.

Arthur Keiser: Oh, good. We're here. We can hear you.

Dan Arvizu: Okay because I'm not sure...

Candace Evans: Hang on.

Dan Arvizu: Thank you. ...I have an option to turn on video or not, but I will proceed without video at this point because I don't see it on these. So Mr. Chairman, thank you for the opportunity to present today, and members of the members of the panel. I'm Dr. Dan Arvizu. I'm the chancellor and chief executive for New Mexico State University system. NMSU, with its main campus in Las Cruces, New Mexico, is a comprehensive research land grant and Hispanic-serving university excelling in teaching, research, and public service, serving almost 20,000 students. 13,000 of those are on our main campus, and we are accredited by the HLC.

I'm voluntarily providing testimony today as it pertains to the investor-owned medical school model developed by the Burrell College of Osteopathic Medicine and NMSU. I serve on the medical school's board of trustees and can attest to the quality of medical education provided and the quality of the majority independent diverse board, and, I might add, the exceptional individuals that compose our trustees. It is well known that our nation is facing a current and prolonged shortage of physicians, especially in rural and underserved communities, as here in New Mexico. And as Dr. Hasty just suggested, our state and local philanthropy did not have the resources to address this physician shortage through the development of a new medical school. I took forward-thinking private individuals and entities to create the Burrell College. In fact, it was led by local leaders and supported by over 600 physicians, 40+ hospitals and clinics in our region, a true grassroots effort. The college has also received unequivocal and bipartisan support from our governor, our state House, our United States Senators, and Congressional members.

So why has the college been successful? I'd say first and foremost is the mission which focuses on increasing the diversity at future physician workforce to better resemble the fabric of society. The Burrell College is delivering on its mission. Case in point, the college is ranked number two in the nation among all osteopathic medical schools for the percentage of underrepresented minority

students at around 27%. Its first graduating class had 100% placement rate into residency training programs, meaning that 100% job placement. There's also a most recent second class that placed 98%, well in line with national performance benchmarks. And the college obtained these outcomes while keeping its tuition at or below national median all private osteopathic medical schools, of which 80% are not-for-profit institutions.

I could go on longer about the attributes of the college, but time does not permit. However, I do believe it's important to address some of the concerns raised in the recent articles that have been discussed this morning. I can say without hesitation that our board, whose members are majority independent, is not controlled by the ownership. Bylaws ensure best practices to governance and the total membership. The chairman of the board and the committees all are required to be independent, non-owner members. I'll end there with my remarks and just say, it's a new day for higher education. I believe we are doing a great job here and we'll continue to do so, and I expect that to be into the future. Thank you for the opportunity to speak to you.

Arthur Keiser: Thank you, Dr. Arvizu. And finally, Miss Amy Laitinen from New America? There she is.

Amy Laitinen: Hello. Sorry for the confusion. Hold on. No, we don't need to see my video. Thank you all. I think this conversation has really helped underscore a lot of process issues that I think will help us all get to a better understanding of the quality of information that is provided to the accreditors from the school and to the department for the accreditors. So a few things. I think we need to underscore what Alejandra Acosta said, we need better information, so it's to the public intimacy. I think the confusion around the agency's authority to whether or not to accredit, they could accredit for-profits or not, just speaks to the need that we need better information out there.

I think, also, I want to agree with Bob Shireman and Jennifer Blum that we really need to have a conversation... And sorry, not we, but y'all, the department, need to have a conversation about the governance issue. I think the agency's failure to adequately examine who is actually controlling the corporation is really confusing. And I think, like an LLC on the board, when it's unclear who's in control, who they are responsible to is not transparent to the public and I think we need to understand that. And then I think the broader issue that I think Ally brought up, is I think we're really having issues of both accreditors taking schools at their word and the department taking agencies at their word. We're talking about \$120 billion worth of aid and huge implications for students.

Amy Laitinen: Dollars worth of aid and huge implications for students and taxpayers. So we need some auditing. I think any auditor would really do some double-checking of information they're given by the agency, and I just want to underscore Allie's point and highlight 603.32 D and S, which gives the department the authority to, quote, take into account all available relevant information concerning the compliance of the agency with those criteria. That could mean googling, that

could mean looking at the IRS, looking at the 9 90 forms that were discussed yesterday. I do think the department has had an over-reliance on just what the accrediting agencies said and the accreditors have an over-reliance on what the schools say, and I think if we're really going to make sure that this is a strong part of the program integrity triad, we need at least some sort of independent auditing of that. So thank you for your time and have a good rest of your meeting.

Arthur Keiser: Any comments regarding the third party testimony?

David Forstein: Mr. Chair, is it appropriate for us to comment or you're talking to just the members of the CQ?

Arthur Keiser: No, I'm talking to you, for the agency.

David Forstein: Yeah. So first I want to thank all of the people who came forward to provide third party comment. I think that it fed a positive light on the work of the [COCA 01:11:39] and I think raised some serious questions about the inner workings of both the COCA and in the CP in terms of the documentation. I think it's important to note that the site visitor report is only part of what the COCA looks at. We do look at the original source documents. We have interrogatories with the COMs about any questions that we have, and we received the independent financial audits of all the cons. So I believe that our oversight of the colleges of osteopathic medicine is quite robust. Finally, I think that it's important for us to focus on the outcome, the students of the cognitive osteopathic medicine, who pass their boards at a higher rate than any other licensing exam we've heard about over the past three days, at a much higher rate and have placement to residency programs, which is the first job opportunity higher than any of the other programs you've heard about over the past three days.

The outstanding outcomes that our students achieve is a lot due to their hard work, but it's also due to the excellent work of the COMs and the oversight and accreditation provided by the COCA. So I thank you for the opportunity for us to be before you today, and I want to thank again the third-party commenters. All six of them, I think, did an excellent job presenting their comments and concerns. Thank you.

Arthur Keiser: Thank you. Karmon [Simscoach 01:13:04], do you have any observations or you want to make about the third party commenters or the agency's responses?

Karmon Simms-Coates: No, I don't have any comments at this time.

Arthur Keiser: Okay. Since we only have one primary reader, I would just ask Wally to make a motion.

Claude Pressnell: Or did Herman want to make a comment?

Arthur Keiser: Oh, sorry about that. He's not normally in my cycle here, but if Herman wants to make a comment.

Herman Bounds: No, I was just, you ask Karmon if she wanted to make one, and I know we beat a dead horse and I don't draw anything out, but I just also too wanted to bring... Even again, this information is outside of the recognition period. I do understand that but just want to bring up the staff report from 2016 had the agency's scope, as it appears now. The accreditation and pre-accreditation throughout the United States of freestanding institutions of osteopathic medicine, osteopathic medicine programs leading to a degree, doctor of osteopathic or doctor of osteopathic medicine. So there was definitely some disconnect between the staff report for that year and what came out in the decision letter. Sorry, I didn't want to beat a dead horse. We just wanted to bring that up.

Arthur Keiser: Thank you, Herman. Is there a motion Wally?

Wallace Boston: So I was actually going to ask Herman to speak, prior to making the motion, but I'm glad that he provided us with that additional information. I'm going to support the department's recommendation.

Arthur Keiser: Great. Is there-

Claude Pressnell: I second that.

Arthur Keiser: There a second by Claude. Somebody's knocking? Hello? Is anybody... Any comments, concerns about the motion? Bob? Said your hand up.

Robert Shireman: Sorry, is this a discussion of the motion, or?

Arthur Keiser: The discussion of the motion.

Robert Shireman: Oh yes. Yeah, we've had some interesting attempts to amend motions and things like that. So, but I think that makes things too complicated. So I will be... I think we have serious discrepancies in documentation. We have serious discrepancies about governance of institutions that this agency has accredited and that it would be irresponsible of us not to at least raise some kind of a concern to the SDO. So I will be opposing this motion and if it does not pass, I would recommend instead a continuation.

Arthur Keiser: Jill?

Jill Derby: I've had a difficulty with my audio throughout this whole discussion, and I haven't had an opportunity to really hear all of it. Governance was an area I cared very much about, and I regret that I haven't been able to hear and participate, but I will have to abstain from voting on this, not having had the opportunity to hear the full discussion.

Arthur Keiser: Okay. Any other? I just like to add my two cents, even though I don't vote, unless there's a tie. I think certainly the third-party presenters, one that was associated with a for-profit... Two of them who identified, demonstrated clearly that the institutions are well-served by the ownership as well as by their independent boards, and I'm not sure I see what Bob sees, but that's another whole story. So I would support the motion if I could vote on it.

Okay. Seeing no other questions, we'll go to a vote. Kathleen? Kathleen?

Kathleen Alioto: Abstain.

Arthur Keiser: Roslyn?

Roslyn Clark Artis: Yes.

Arthur Keiser: Roslyn?

Roslyn Clark Artis: I said yes. It's recorded.

Arthur Keiser: I'm sorry, I didn't hear. Jennifer?

Jennifer Blum: Yes.

Arthur Keiser: Wally?

Wallace Boston: Yes.

Arthur Keiser: Jill?

Jill Derby: Abstain.

Arthur Keiser: Abstain. David?

David Eubanks: Yes.

Arthur Keiser: Molly?

Molly Hall-Martin: Yes.

Arthur Keiser: Paul?

George Alan Smith: Not here.

Arthur Keiser: Robert?

Robert Mayes: Yes.

George Alan Smith: He's absent.

Arthur Keiser: Mary Ellen?

Mary Ellen Petrisko: Yes.

Arthur Keiser: Claude?

Claude Pressnell: Yes.

Arthur Keiser: Robert?

Robert Shireman: Held.

Arthur Keiser: Steve?

Steve VanAusdle: Yes.

Arthur Keiser: It looks like the motion carries. Members of the commission, thank you very much for being with us today, and we appreciate the work that you do. Okay. We are at 10:20 and what I'm going to do, if possible, is go down the list of those who weren't here, and I asked the staff if they would record specifically the issue of when somebody brings up a policy issue, and then we will discuss them in the order, I guess it's covered by the alphabetical order of our group. So I'm going to start with Kathleen. Do you have a particular policy issue you'd like to discuss?

Kathleen Alioto: Yes. First of all, I want to thank in what I'm saying. I really appreciate the hard work and devotion of the department to improving public education, and I think that NACIQI was not consulted on the creation of the interpretation of the new regulations. And I think a lot of the problems are because, not because we weren't consulted, but because some of them encourage the new regulations to encourage us, the department, to take the new regulation's word, and the [volumous 01:20:02] documents that they submitted to us, as truth and fact and grant five-year accreditations almost de facto. It's every single agency that we looked at was being given five years and the new regulations, as Herman just referred to-

Arthur Keiser: Kathleen-

Kathleen Alioto: The new regulations-

Arthur Keiser: Kathleen, I want to stop you. I just really, rather than discuss it, I'd like to specific topic and then we can discuss it as a group, okay?

Kathleen Alioto: Okay. I would like to have NACIQI provide an opinion of the new rules to the secretary. And I think that the new rules, by not incorporating the facts that are

available to us, that the new rules should include an attention to student debt and institutional debt and using student loans to found schools.

Arthur Keiser: Thank you. Roslyn, do you have a policy issue you want to bring up?

Roslyn Clark Artis: I don't know if it's policy or process Art, but I will tell you that as a new member, I assumed it to be a training deficit, the inability to functionally define a recommendation, but it appears to be chronic with this entire group, the clarity or the lack thereof around making motions, as particularly when there is a condition attached to it. We either need additional training and support or a review of our responsibilities because our inability to state with clarity, what it is we expect of agencies, particularly when it's inconsistent with the standards, needs to be evaluated.

Arthur Keiser: I think you make a very good point, and part of the pandemic has created some of our inability to get together and really talk about that. Jennifer?

Jennifer Blum: Yeah, I would second Roslyn, and just add... I have a recommendation which I'll make later with regard to the staff's processes and then our review of the staff's information. I just wanted to add sort of that element to what Roslyn said, and then what we can add to the record during our process. So I'm with Roslyn, this isn't really policy. This is procedure, but I'm with her.

Arthur Keiser: Ronnie? Don't feel ashamed if you don't have anything. Ronnie? Has he gone? I think he looks like he's left us. Wally?

Wallace Boston: Yes, Art. I looked at this for a while now. First of all, I agree with Roslyn's recommendation. I think we need to understand better how we submit motions and what we can and can't do. But secondly, I'm actually supportive of a comment that was made by one of the third-party commenters, Amy [Latenent 01:23:11] that we also need to ask the department and ourselves about bringing in information from sources that aren't on a checklist, whether it's current headlines or other legitimate published sources that can be verified, because there seems to be information introduced post the review or closing the files and uploading them for us, that may or may not have bearing. But in many cases, if you're not an attorney, which I am not, my ability to discern that information really depends on whether or not the department's attorneys have looked at it, and I think we either need more time to review or raise issues like that between the day that the e-recognition system's open with all that information, or we need to have another process.

Arthur Keiser: Yeah, I would appreciate it, just tell me the issue and then we can discuss the issue. I understand what you're saying and agree with you. But Jill, what's the issue you'd like to discuss?

Jill Derby: Yes, yes. Can you hear me?

Arthur Keiser: Yes.

Jill Derby: Okay. Thank you. Yes. This really flows from comments that have already been made by Jennifer and Roslyn, but the advisory role of NACIQI and what we mean by consistency. I could say more, but I'll be brief as you [crosstalk 01:24:53]-

Arthur Keiser: I think you did that beautifully Jill, you did exactly what I wanted. Thank you. David?

David Eubanks: Thank you. I'd like to echo Wally's comment that I feel like we could do a better job taking into account all of the available relevant information, particularly to determine the effectiveness of standards and particularly student achievement or improvement.

Arthur Keiser: Okay. Molly?

Molly Hall-Martin: I have nothing to add beyond what's already been said.

Arthur Keiser: Thank you. I'd like to, and my issue... I think consistency is really important. I'd like to see that discussed. And then, okay. I think that'll cover that inconsistency. Paul's not here. Michael's not here. Robert?

Robert Mayes: Yeah. As far as policy and process, how the ACCSC matter was handled, I'd like to bring that up it doesn't end up coming up in the other discussions.

Arthur Keiser: Okay. Mary Ellen?

Mary Ellen Petrisko: Yes. I think we need to have a greater clarity on what our jobs actually are and what our job is. And I want to express a concern with what being as unrealistic and in some cases, inappropriate expectations of and demands on accreditors.

Arthur Keiser: Okay. Claude?

Claude Pressnell: Yeah, I've got three things. One is, I think we need to be informed better as to what the secretary's expectations are, in terms of our advice. I see that changing as administrations change. And so I would like clarity from the department, or from the secretary particularly, what's the scope of advice. That's one. Two, I highly value the dashboards, but I need them and how does dashboards inform our deliberations and what's the scope that we can use and what's the restrictions we can use related to the dashboards? And it'd be good if possible to do a crosswalk between the criteria and the dashboard, what informs what here. And so, and then third, there is a healthy appetite to add comments to motions, and I think that's good in a way.

So I think we need to have advice. Do we take the motions as they're written, or can we make a motion with concerns and then raise an issue that may not be in

the criteria? So, and I think that's a legitimate approach, but I'm wondering what we do because the word document we received with motion language, now just real quick, is not consistent with the staff recommendation motions. They were very, very different. And so to your point on consistency, we need to know precisely what we can do in the motions and what we cannot and the question is as well, can we make a motion with concerns to say, "Yeah, they need the technical piece, but we have a broader concern based on other information." So there's three things.

Arthur Keiser: I agree with you, and I think somebody else brought that up about clearer definitions of what the motion should be, and then of course the training. Rob, Bob, you're the second to last. Bob?

Robert Shireman: I think everything's been covered. That's a long list.

Arthur Keiser: Okay. And Steve?

Steve VanAusdle: I think we're getting there, but I'm just mindful of the fact that we're about trying to improve quality of higher education and ensure integrity. If we had time to have a discussion on what one or two things, might we recommend to the secretary, or assign to NACIQI, that would advance those two agenda items. Now that sounds like a big challenge, but I think it might be well worth it. I think from our experiences, we [inaudible 01:29:33] talked quite a bit about student achievement. Is there anything we could recommend or do that would enhance student achievement in this station? I think what David's doing is helpful, but I think we need to keep an eye on that one. And I think there's been some real integrity questions come around, just like the governance issue. Many of us have dealt with that at the state level or local levels for regarding private institutions, we probably need some study or clarity on that.

Arthur Keiser: Okay. I think we have a good list here and I'm going to want George and Herman [inaudible 01:30:12] jump in when you need to be. One topic that came up that I'm not sure any of us brought up, but I know Bob did and certainly one of our commenters. So it was an issue. On the transparency and the amount of information that's available to the public. I'm not sure I want to discuss that because that's not our role, that is the role of staff. I'm the legal counsel, so I would ask George and Herman and Donna and the team to look into what should be our role and what should be published and why is it not published? And I think this last agency kind of created that issue of what was in our historical documents and what was not. So it makes it harder for us to do that. Bob, is that part of what area you've talked about?

Robert Shireman: Yes, absolutely. Though the question of what documents are available when, for the purposes of the public comment, way nine months ago and currently, and over the last 30 days. So I think that's a critically important issue. I'm not sure that it's anything that we... So us opining on that is great, but yes, very important issue.

Arthur Keiser: And that's what I'm saying. I'm asking the staff to look into it and I think it's more of a legal counsel role of what should be appropriate and what shouldn't be. The second issue-

George Alan Smith: Yeah, I-

Arthur Keiser: What? Somebody say something? George?

George Alan Smith: Oh go ahead, go ahead.

Arthur Keiser: Keep your microphones open.

George Alan Smith: No you keep going, I-

Arthur Keiser: I want this to be free-flowing.

George Alan Smith: Mm-hmm (affirmative).

Arthur Keiser: The second issue again, which is not necessarily our issue, and I agree wholeheartedly, is the issue of training. I think because of the pandemic we used to have a day before the meeting, and once we had a new group that came on to be able to understand the role of us, the committee members, and more importantly, how do we vote? What do we vote on and what questions are appropriate to ask? I would ask as chair and I hope you would agree with me that we need to schedule some kind of training prior to the next meeting, to deal with these issues of what is it we are required to do? What are the appropriate motions? Why is there a discrepancy with what was passed out versus what we vote on. The difference between continuance and renew? I know Bob brought that up. It was a very good discussion. So I think that would be helpful, George. I don't know if I'm appropriately able to ask you to do that. Can I do that?

George Alan Smith: Yes. Surely we would love to do something like that and we try to approach... Of course all of them, the NACIQI members have training when you start, but there's a lot of information that we cover and we never really expect everyone to remember it. So in fact, I think we had an exchange yesterday about adding some, or trying to find some time to talk about the motion that's there, and some other things [crosstalk 01:33:35]-

Arthur Keiser: You saved all this money on travel.

George Alan Smith: But it can be a little challenging... Say what?

Arthur Keiser: [crosstalk 01:33:41] You saved all the money on travel. We have an extra meeting.

George Alan Smith: Not quite, but yeah...

Claude Pressnell: [crosstalk 01:33:48] Art, so just in support of that, I mean, we've also had... We're setting under new rules that we've not had before, that transition has occurred. And not only that, but, and then there's the... Again the re-introduction of the dashboard, which again, I think, is highly valuable information, but I don't think we know the scope of use it.

Jennifer Blum: Can I?

George Alan Smith: Okay.

Jennifer Blum: Can I? [crosstalk 01:34:15].

Jill Derby: Are we speaking up or is Art going to be calling on us?

Jennifer Blum: Can I add?

Arthur Keiser: Who's... Oh got a lot of questions. Who is that who said, "Can I add"? Is that you Jo?

Jennifer Blum: [crosstalk 01:34:22] No that was me who said, "Can I add?"

Jill Derby: Well, here's my question for you as process here. Are you going to be calling on us or we just speak up? I have comments I want to make but I want to get the directions.

Arthur Keiser: Okay, again on that one-

Jill Derby: Are you calling on us?

Arthur Keiser: On that one, I was just going to ask staff to go ahead and provide the training because I don't think we need to discuss, I think we all agree that we had challenges with the motions, we had challenges with the scope of our authority here. So I really think that can be done. And unless you really have to discuss it, I thought we'd just turn it over to staff. Jennifer, you look like you absolutely have to discuss this.

Jennifer Blum: Well, I just want to, I mean, because I think it is important, Art, to say what the training is on. So I agree with you about motions, I agree with Claude about dashboards, but I wanted to add part of, just to make sure that we're clear on the... And I agree about the new regs, but the sort of fourth item that I wanted to add is I think we all need, and I wouldn't just put it on the new members, but I think we might all like a revisit on what exactly the staff looks at. We get all this paper and stuff, but I actually really think that hearing examples of what the staff processes are with the agencies would be very helpful. And then I also have a technical, which I mentioned is on my list. And I think it goes into the training piece. I have a technical ask of the department with regard to the database, but I can either do that now or later.

Arthur Keiser: Let's, yeah. And again, I agree, but I think you'd be all very surprised at the depth that the staff goes into reviewing these agencies. And I promise you, because I serve on a commission that went through a renewal, and it was very intrusive and very involved and it includes going on visits, going and sitting in the commission meetings. There are a lot of things, I think that would be part of the planning that's good.

Roslyn Clark Artis: May I add, Art, one comment? It's Roslyn, I apologize.

Arthur Keiser: Hey Roslyn, yeah. Go ahead.

Roslyn Clark Artis: I think one of the others has given me some confirmation over the last two and a half days, is the ability to state, with clarity, what's our problem? The reality is there have been a couple of agencies. There has been a smell test issue, and that has to do with proximity or recency of the instance, or circumstance, perhaps with this specific institution. We certainly wrestled with it yesterday and the day before. If you're doing an evaluation, you are charged with the responsibility of looking at that evaluation [inaudible 01:37:11] over a period of time across institutions, et cetera, rolled-up data if you will. This emphasis and focus on a single incident that may color the judgment of the committee seems to have been rapid for the last two days and the inability to state with clarity, what standard the agency fails on. The truth is, based on the debt-free agency reviews, there were no obvious failures in terms of benchmarking against the standards, but we try to make up some. I've never seen anything like this. We really need to clarify our [inaudible 01:37:45] and our ability.

Arthur Keiser: You're absolutely correct. That is part of the training, but that's my third issue, which is one, bringing in additional information at the meeting that might be very recent. And again, this third, second part of that is focusing on a single institutional action. And I think Mary Ellen Patrisko talked about it a little earlier, that we should not be in the position of second-guessing an action because we don't have all the information. Was that correct, Mary Ellen?

So, so I'm going to just set the topic. I have a problem. And again, when we bring in newspaper articles that may or may not be fact-based, I think everybody knows there are political issues, all kinds of other issues, and most specifically was the one with the acupuncture agency. I read that report. I still don't know. It was human trafficking was the allegation. All I knew is they had a faculty member who was arrested for prostitution. The state did not take an action. The Attorney General did not take an action in Minnesota and we are now second-guessing them, and all we had was this kind of allegation based on a very... Was couched in a research report. I still don't know what the actual allegation was. So we need to be careful with that, and I don't know if anybody else felt the same way that I did.

Claude Pressnell: Well, I agree with that. But at the same time, the action that was taken was appropriate, in my opinion. So I mean, the outcome... So I don't know, are you arguing against the robust discussion or...? Because the actual-

Arthur Keiser: I'm not arguing but I'm arguing that we are taking potentially tainted documentation or newspaper or things that we don't have the background on. Now, in that particular case, I disagree with you because it seemed to me that the agency knew that this school added a program, and this was not in any of the articles or any of the allegations, but they had an unrecognized program and they hid it from the commission. There to me was a violation of integrity and trust, but I'm not here to judge because I'm not there. I'm not part of the commission. And for us to take individual institutional actions, I think is inappropriate. Jo, I'm sorry to go on so long.

Jill Derby: Yeah. So I want to speak to this whole, because I think the broader issue is really the role of NACIQI, and I want to say as somebody who served long on NACIQI, that we've a conversation before, that gets down to the fact that we have assembled here on NACIQI a really august body of people who are very informed about higher education, who are very smart and bring a diversity of points of view. And I think that one of the most important things is the kind of robust discussion that we get into. I know there's an issue, and I want to speak to this, of consistency that has been raised, and I think we need to delve into that because I think that consistency is a value and there are other values as well. And I think the context is what is critical here. I want to say that earlier in our discussions, we've had people point to in support of consistency, the Penn State example, the Michigan State example, that those agencies did not react to that, or did not include that in any kind of citations.

I want to say that when we look at consistency, what are we being consistent with? And if in fact we can look back, a view out of the back of the business, and see that in some cases we may be pretty critical of failures of agencies to note something. I would point to Michigan and that egregious example of sexual assault and how does Midstate, or whoever accredits Michigan, look back on that? Was there a failure somehow in their process, if we care about student wellbeing and success and safety? So I want to say that I know consistency is a flag that's raised that seems to me to want to limit the range of our discussion and our actions. And I think we need to be careful of that and remind ourselves that our role is advisory and that means we advise the secretary or the senior department officer, the SDO.

And I think we don't need to limit that overly. And I say that because this is a group of people that bring a rich background of experience to these discussions and we raise some important issues. And I think it's really important that we be encouraged to go on and do that. So I want, I think, in terms of the consistency issue, let's be careful what we're being consistent with, keeping in mind that culture change, mores change, times change, and maybe some decisions of accrediting agencies that are 10 years old, might not be consistent with what The Times called for, that we should be open to the views that we can bring to this whole process of accreditation. And I believe that these discussions have been very good over the course of the last two days, because some might say we've gone beyond the bounds of what we're charged with, but I say that we have an opportunity to bring in a range of issues that should be considered.

And at the end of the day, we advise the secretary or the senior department officer, and that person has the latitude to accept our advice, not accept our advice, but I want to say that given the quality of this panel and the wisdom and background and experience and expertise and smarts, they bring to this discussion, that it would be a waste of our time to imply that our job is simply to rubber-stamp a staff decision. And having said that, or staff recommendation, pardon me. Having said that, let me say we have an awesome staff, and the work that they do is so entirely credible. They delve into, they address such a range of issues, and I think we're blessed to have an excellent staff that bring us very well-founded recommendations, but that doesn't mean that we somehow don't have the latitude to look beyond, to broaden the conversation and bring the wisdom of the group to the conversation, and in fact-

Jill Derby: The wisdom of the group to the conversation. And in fact, find ways to weave that into our motions, such that we convey something to the senior department officer, of our thinking around an issue. Thank you.

Roslyn Clark Artis: All right. I think that's incredibly well stated. And I-

Arthur Keiser: To want to recognize Mary Ellen. I'm sorry. Her hand was up.

Roslyn Clark Artis: I didn't see.

Arthur Keiser: Then you can go, well, actually, Jennifer then you. Mary Ellen, you're muted.

Jennifer Blum: You're on mute Mary Ellen.

Mary Ellen Petrisko: Okay, thank you. [crosstalk 01:45:42] My initial comments about policy concerns touched very much on this. And that is, what our expectations are of what accreditors are supposed to do and what they can do. When there are problems at an institution, either that's found by a visiting panel, the institution discovers that itself and reports it or it's very often the case, there are third-parties that, however they discover information, they discover this information. In all of those cases, the accreditors job is to go to the institution, say, "We have this information, either from you or from others. What are you doing about it? Is this a one-off? Who knew about this? What are you doing now?"

Accreditors are not criminal investigators. Accreditors do not go into institutions saying, "Where are we going to get you on something that you're trying to hide from us?" If there is a single individual action or event, no matter how egregious and the accreditor finds out about that, the accreditor, with haste, must go in, find out about it, find out what the institution is doing about it. Create punishments, if that's appropriate. Make sure it's not going to happen again, to the extent that that's possible.

But to say that an accreditor should be... To consumer protection agency, that's not the accreditors job. The accreditor is there for educational quality. And a lot

of things that surround educational quality, are in standards, are in the regulations and accreditors look at those. But for aberrations, that are unexpected, the most that can be expected of an accreditor is if the accreditor takes appropriate action at the appropriate time. And it's not the case that in Penn state and Michigan state, et cetera, that no action was taken. There were probationary actions, there were reports. There were those things to make sure that whatever is done and whoever was responsible, was held accountable. But, it was not the case that NACIQI said, "Post on this institution and take off their recognition."

So I think we have to be reasonable about what accreditors do, how they can do it, how well they do it. Realize that what they do and how they do it is limited. That's why there's a triad. And so I think, we are very clear on what our jobs are with those accreditors, very clear what their jobs are and working with staff, working with NACIQI, to make appropriate recommendations, based on what accreditors actually do.

Now, should we get more information about certain things? I mean, financial issues came up a lot here, ROI came up a lot. And if we think that there's information that we should get, that we can question about and we can act on, I think that's a legitimate thing to do. But I would again, want to talk regulations, tie that to standards, to say, "If that's legitimate information that students should have, where do they get it? Do the institutions provide it? Are they very clear on their admissions and their equipment policies?" Et cetera. And if that information is there, the information's provided, institutions cannot determine who is going to take on the debt. Sorry, they cannot do that. They shouldn't be held responsible for that. So, thanks. That's my contribution.

Jennifer Blum: I think, I don't know where Art went but I think I was next in line. So I want to echo actually both Jill and Mary Ellen. I think there's really a middle ground here where-

Arthur Keiser: I'm sorry, my computer crashed in the middle of that.

Jennifer Blum: That's all right. I think there's really a middle ground between like-

Arthur Keiser: Can you hear me?

Jennifer Blum: Yes, we can hear you.

Arthur Keiser: Okay, my computer crashed, I can't hear you anyway. I don't know what you said, Mary Ellen, cause I lost it. I think Roslyn, I asked you if you would speak but next... Or Jennifer [crosstalk 01:50:00].

Jennifer Blum: I think everybody else can hear me.

Candace Evans: Jennifer was speaking.

Arthur Keiser: Candace, I can't hear anything so...

Roslyn Clark Artis: We can all hear each other, Art, you're on here.

Jennifer Blum: Well, I hear you. So what I was saying is, I agree whole heartedly with Mary Ellen in terms of keeping... I think there's room... First of all, I completely agree with the rubber stamp comment. I don't think Congress would have created NACIQI. There would be no role for us if all we did is simply rubber stamp the staff's recommendations. Which doesn't mean that they don't do a great job. So at point number one, I think our whole role in life is to be another pair of eyes, right? And to make a recommendation based on the good work of the staff. So I think that's great. I think in terms of new information, I think if the new information is directly tied to a recognition criteria, I think that can be subject for conversation.

I think we have examples sort of all over the map. I can't emphasize how much I agree with Mary Ellen about yesterday and sex trafficking. On the other hand, I think with the bar association, I'll name them. I think, hearing question marks around their student achievement standard and receiving that letter late, that's directly related to a new standard they just implemented. And what I tried to do in the questioning was not necessarily mention the letter in that specific one school, cause I didn't want to make it about one school. I wanted to make it about an overall perspective that was directly related to their criteria. I think that's a perfect example of where it's very legit. If something comes in the door and it's directly related to a very clear criteria.

So I think we, our committee, when there's new information, I think it's incredibly important that when we raise it, we be very specific about what criteria we think it's relevant for. Now, I am also really concerned about the fairness to the accreditor, of bringing new information up and making sure that they have the opportunity to respond. Now, I think they have opportunity the day of and I think there was also protocols for afterward. But we need to make sure that we're being fair to the accreditor and to do from a due process perspective. So I think there's a middle ground. I think we should accept new information if it's directly relevant to the recognition criteria. I think that that's fine. We need to be really specific on that tie in. And I think when you start going into criminal stuff, we get all over the map and then we're not serving the department, the accreditor, the public, very well.

Arthur Keiser: Roslyn, you're next.

Roslyn Clark Artis: Yes and I'll be incredibly brief. I just wanted to draw a distinction between the idea of stifling conversation. If not, I have no issue with our deeply debating the issues before us. My concern and challenge is that we seem to be taking those conversations and trying to fashion them into something outside the standards, in terms of both our motions and or possible sanctions. And so we should have robust debate and dialogue, that's our responsibility but there are rules to this. There are standards to which the agencies are called upon to adhere to. And if

they meet the standards, I'm interested in learning, through additional dialogue and training, whether we can, with reservation or if we can tag on our concerns, for the record, if we're able to do that, great, let's figure out what the format is for stating that with clarity. Because the agency deserves clarity and notice of what our issues are so they can correct or cure them.

You can't say, "Well, I don't want five years cause I just don't, it doesn't smell good to me." That doesn't give guidance on how to improve. Our goal is to help the agencies meet the standards, span continuous quality improvement. That's what we expect of ourselves as institutions. But those of us who are in higher education, if our accreditors sent me a letter that said, "I'm not going to give you the full 10, I'm just going to go five. And I don't know why, it just doesn't feel 15." That's not acceptable. I think we'd have to tie it to a specific standard, unless we have the ability to simply attach notes or reservations or concerns in a more narrative or non-standardized way.

Arthur Keiser: I think that was beautifully said. Bob, you dropped your hand. Does that mean you don't want to comment?

Robert Shireman: I know there are some public commenters. And just wanted to note that we might not want to get to the point where we feel like we're done and then do the public comment. But I'm not necessarily suggesting it happened right now.

Arthur Keiser: Okay. Claude.

Claude Pressnell: Yeah. And this was just a piggyback from Roslyn's comments, I totally agree. And that's why I think it's good if we can have a training in information session. On what type of advice the secretary is expecting from us. Because, again, it shifts with every administration. I mean, the last administration got rid of the dashboard because they said it was not relevant. Now we got the dashboard back, right? So what's the scope of the dashboard? How does it inform us? What are we supposed to do? To Roslyn's point, I really want to make the case for, the motions ought to be tied directly to the criteria of recognition. But I think that it'd be nice to have an allowance for the concerns. And that's when we can bring in dashboard information and that's where the SBO can say, "All right, I see the recommendation. We ought to take a little bit of a look over here to see if there's anything within our authority."

And then the last thing I want to say, related to the sex trafficking, I think, from my perspective, it would have been grossly irresponsible to review them and not bring that up. So, we had the Minnesota Office of Higher Education took action, we had the Minnesota Attorney General take action on this. There is an active investigation by The Department of ED that they're about to do a letter. So that would have been a great example of one. We passed the staff recommendation of a five-year extension but that would have been great to say, "But we do it with concern." And the reason I felt most comfortable with the five-year renewal was because there was an active investigation. The department was actively investigating it. If we would have had the discussion of

that accreditor yesterday and have totally ignored this additional information, we would have looked foolish. But again, I agree that with whatever we do, it has to be tied to a criteria. But then we could have said, "With reservation, with concern." So, [01:57:36] thank you.

Arthur Keiser: I agree that we need to, we needed to discuss it.

Jill Derby: I agree.

Arthur Keiser: But there is a challenge with that. And I think anybody who has served on a commission or for commission realizes that when they review a school, they have a whole lot more information than we have. And they have the ability to go to the school and identify through a unannounced visit, to whichever process that they decide to use. And for us to make a determination on the accrediting commission based on a single school action, I think is irresponsible on our part. And I think-

Claude Pressnell: But we didn't do that, Art.

Arthur Keiser: I know, I'm not suggesting that we did. I'm just suggesting that we were really holding this agency accountable from one institution. I think that wasn't part of the SCC but I think we did it with Independence University. We don't know how an agency... And Mary Ellen is probably the best to talk about it.

Claude Pressnell: Right.

Arthur Keiser: They do a phenomenal job. I know when I served on my commission, we went through five, those days, it was boxes of documentation [crosstalk 01:58:55] and we don't have that ability to do that.

Claude Pressnell: Right.

Arthur Keiser: And that-

Claude Pressnell: And I've done that as well for sure. But I guess, the one question I asked the accrediting agency, and he was unable to answer it, is that, "What type of exposure does that give to the accrediting agency?" And they couldn't answer the question. I understand why you can't, but we could. The department is going to investigate whether or not it was a single institution issue or whether or not it was systemic with that accreditor. If the department finds out it's systemic with the creditor, they're probably going to take action or suggest action or something. But that's our role, right? Is that, is it isolated? Or is it systemic with this accrediting body? And I think going back to the one I chaired, the ACCSC. They were incredibly articulate about their review process right on the mark but it still begs the question, "How can you have so many perceived bad players when you are telling us you're doing such a great job and the documentation looks so good."

So, I think it would've been good to have approved them for the five years because I think that's technically correct, but I would have attached with concerns. So anyway, thank you.

Arthur Keiser: That was one of the Roberts discussion on ACCSC. We wanted, unless you felt we've covered that, Robert?

Robert Mayes: Hey, yeah. To follow up on the ACAOM first. I think an area of improvement for that one would have been to follow our process in order of, who speaks when. We kind of jumped out ahead and started talking about deferring them right off the bat, I believed, under the meeting where we needed to let them speak, ask questions. And then we could add that discussion. So, the discussion was fine but just kind of a separation between one, letting the process flow properly, then maybe having open discussions. But then when it gets down to the voting and about standards, that's where that consistency comes in, what our role is. And the others have said, linking it to the criteria to have standards.

On ACCSC, I don't have a problem either with the discussion necessarily and asking about student achievement and all of that. But in that one, I believe the discussion, you start off with an allegation against the size of the schools and that there was something wrong with the fact they were large schools. Which had lots of enrollments, lots of title four dollars, which yeah, you want to make sure they're doing well but there's lots of large schools with other agencies. And I don't know that we're going to be going after them because their schools are big and have lots of enrollments and Title IV. So the question that the initial allegations kind of got off target, the other part was the decision we made about the three years they did have recognition continued. So I'm going to ask Herman a question. I believe Herman had made a point that day that they have to submit 24 months prior. Is that correct?

Herman Bounds: Yeah. Yes, that's right. They have to submit 24 months prior and then we have to give them about six or seven months prior notification so they can start that process of gathering all the information. Plus when they come back, it's going to be of a full petition now because we don't do the focus review anymore. So we can't possibly get all that information in.

Robert Mayes: Yeah. So with that, Art, they're basically going to be preparing to submit again, almost right away. And that seems unrealistic, inappropriate, to be honest. And that the real rub with that is they met all the regulations, all the standards. They had a great report. And I think the issues some of the committee members had was about student achievement and outcomes. And so it was great, we discussed it and bring it up and question it. But then I think when it came to that vote, we didn't follow proper procedure in a way.

If we had an accreditor do that to one of us, who has institutions, we would be extremely upset if the creditor went rogue, went outside their standards and held us to whatever their ideals are. What if you had an accreditor that had commission members that have, let's just say, agendas of whatever type and

that's affecting how they're making decisions but we have a rule against that. I mean, the department does, then we are supposed to look at it by consistency in their standards, how they apply them. So I don't think that reflected well on our work and what we're supposed to do.

Arthur Keiser: Thank you, Robert. Jennifer did you jus- David, let me get David first. He hasn't spoken. David.

David Eubanks: Yes, thank you. I appreciate the chance to respond, since I was one of the primary readers and if there's lying to be assigned, then you can point my way. The reason that I was uncomfortable going over to five year continuation is that I think if we look at all available relevant evidence, that would include all of the evidence on student achievement and it's very rich and voluminous. And some of it, to me, raise serious questions about student achievement and recruitment. Hence, I brought it up, some in the Q and A.

However, there's not nearly enough time to give the agency a fair shake, for us, in a Q and A like that to really get into those issues. It's a very deep topic and it's going to have to be detailed. And so that left me with, really, the conclusion that I don't have enough information. That the department's done a very thorough job of looking at all the process stuff. I've read all of that but it doesn't jive with the actual numbers on the sheet. There may well be a great explanation but it's going to be a fairly long one. So what I was looking for is the... there's a standard, let me find it.

In part of the standard, it says that the effectiveness of the standards- This is part F, I don't have the number in front of me. But it says, part of what we're supposed to be looking at is the effectiveness and the standards. And I can't do that just looking at the paperwork we're getting when it comes to student recruitment. Because some of the numbers that seem to be pretty hard, don't line up with the policy documents and the conclusions. Again, there may be a great explanation, but it's more than what we can do. I think I'm reading like this to get to there.

Jennifer Blum: Can I? This is-

Arthur Keiser: Jennifer, we have a couple more speakers on this issue and then I think the next topic was going to be on Steve's question and Kathleen's question on what standards... And in terms of achievement... Jennifer, quickly and then Bob. I think Bob-

Jennifer Blum: Yeah, David was a good segue. First of all, I want to echo Robert on ACCSC. But with regard to David and just- I'm taking notes and I'm having recommendation making a list, just so we have effective recommendations from this. And one, to David's point about the materials. I have a very specific IT request for the department. I won't take long, but when you look at a final analyst report in the E-recognitions system, you go through the narratives and then at the bottom it's

lists with all the rec all the relevant exhibits worth, that you can't link to them. You have to go back out to the table comments and search through to find those exhibits. If you could create a hyperlink in the final analyst report for the exhibits, it would save us. I got to confess, like I'm reading and I'm like, "God, I really want to look at that exhibit."

And I have to write it down to remember to go back and find it in the table of comments. It would save us, A, tons of time, but B, we would way more thoroughly review the exhibits if they were hyperlinked in the final analyst report and Mary Ellen, I certainly didn't mean to call you out the other day. It just happened that that agency I happened to drill into and so I did. I think it would really help. So, that was the first, just recommendation. But two other really quick recommendations is... I forget who in this group just mentioned a few minutes ago. Oh, Claude. On the motions where, if we could add something beyond the criteria before our training session, I would love for Donna or legal to look at the extent to which we can do that in a motion.

I personally think that we need to stay very close to the recommendation criteria under a law. I don't think we can go outside of that. I don't think it helps the SDO in their final decision but I would be really in training, I would like to have a legal perspective on [inaudible 02:08:54] My third-

Arthur Keiser: I already answered that, Jennifer.

Jennifer Blum: Yeah. And then the third recommendation, real fast is on new information. Like the ABA letter or like the sex trafficking. The department is aware of those. I'm not asking the department to go look in the new stories or whatever but in both of those situations, the department itself was aware before the meeting. During the staff report out to us, before the agency even gets to the table, it would be extremely helpful if the staff could say, "Yes, there is this new issue that's been presented to us. Here's where it is in process." So that we know that the department is really aware, they're taking it into consideration. And it might save us a lot of time and conversation if we knew if the department was taking into consideration, not taking into consideration. So those are my three quick recommendations.

Arthur Keiser: Jennifer, just kind of just to remind you, that was exactly what I did. I did ask the staff if we should be able to discuss somethings, because we don't have all the information and they said we should. So, [crosstalk 02:10:03] we'll look at it again.

Jennifer Blum: But Art, I would like them to speak to what their view is of that-

Arthur Keiser: But if they're in a preliminary investigation, they don't have a view yet. And if they did have a view, then if I was the school or the agency, I'd be really upset.

Jennifer Blum: I meant their view of what the process is. To know when they present to us, if they say, "We're aware of this, we're in a preliminary investigation, we can't speak any further." It was only after our Q and A that that came out. It would be helpful if the department told us that preemptively, let's just say. Not with the result, what their findings are, just that the fact that they're doing it.

Arthur Keiser: Okay, [crosstalk 02:10:44]

Herman Bounds: This is Herman. I think before every presentation, we informed the committee of all investigations that we are currently reviewing. Or if there had been any complaints in, I don't know if Nicole is listening in, but I'm pretty sure we did that.

Jennifer Blum: Well, we knew about the por- So for it, I'll take the bar association. We knew about the Puerto Rico ladder, but in the context of the meeting, the public forum [inaudible 02:11:11], it would be helpful if the department would acknowledge. I'm not saying that they have to have an opinion but I do think it would be helpful to the conversation to have the department, say, "This is what's going on, this is [inaudible 02:11:25] yes. We don't think it's an issue. We do think it's an issue or it's a pending matter." More specifically than, "We've had one complaint filed."

Arthur Keiser: Okay, [crosstalk 02:11:36] Bob's leading. Go Ahead, Bob.

Robert Shireman: Thank you. Specifically, on that issue, I think this is a really good example of where it would have been useful. Since the letter was distributed to us, it should have been available to the public because here we were going to be talking about this letter that we got, nobody has access to it. We also had no idea whether it had been provided to the agency. Are we walking into a meeting where the agency will know that we have this letter? The E-recognition only has any of the documentation of things that happened up until that 30 day point. So we go into the meeting, blind about any of the communications that might have occurred more recently to them than that. I wanted to go to some of the other topics.

Jill, I totally agree with Jill's point about, we are an advisory committee of experts, knowledgeable people and we need to have and allow and treasure the robust discussion about issues that come up in the context of our review of agencies. And be cautious of things that chill or stifle people's feeling that they can bring things up and not everyone has a facility with all of the details of the criteria.

Part of the purpose of us as an advisory committee is that we are providing discussion and information that the senior department official can use. And make decisions about what is or is not relevant. And because we are a committee of people and necessarily are operating on the fly and making decisions at the very same meeting where we're having the discussion, we are

not going to get it right. We should not try to come up with the actual, perfectly correct decision. This goes to then Robert's point, where Robert was saying, "This agency is going to have to start the process right away."

It's not because the SDO has not made a decision yet. So what we've done with our three years is not make a decision about the three years, by having a recommendation that's different from what the staff recommendation was, we're sending a message to the SDO that we have a concern. We think there's a problem, and we want you to pay attention to this and maybe the SDO will look at it and go, "Actually, I think five years is okay." And proceed by some other process or maybe the SDO would say, "Well, I don't think three years is right, because they have to start the process anew, maybe it should be continued recognition for a year and have them come back in a year." All of the options are available to the SDO. And we shouldn't contort ourselves into thinking that we were actually making the final list [inaudible 02:15:09] provide rich information. That brings me to my final point is, I agree with Roslyn. I liked the idea of being able to, instead of add concerns to our votes or something like that. So I think it's something that we should think about.

Arthur Keiser: Okay, good. That was-

Jill Derby: Well said.

Arthur Keiser: I think we've asked the staff to look into some of these things and hopefully they'll report back to... Certainly to me and then of course, everybody else. Want to talk about the issue of student achievement. Steve brought that up, so did Kathleen. And Steve, what would you like to tee that up for me?

Steve VanAusdle: Well, even after three days of interesting discussion, I think we still did good for higher education. And now if we step back and look at what NACIQI was created to do, it was to really, I think, improve student success. And then look at the financial dimension of some of the challenges.

When we get a staff report, a lot of work has been done between the institution and The Department of Education. And I'm sure at that point, the institutions have benefited, indirectly, greatly from the accreditors reaffirmation that they meet all our standards. My point is, I'm looking for a way to use more information, consistent with the standards and I really agree with Roslyn. Go by the standards, have that discussion, so they know exactly what they need to do. [inaudible 02:16:54] But then if we get the data dashboard and we get good information, can we modify a standard or create one more standard that enables us to have a good discussion about educational outcomes of institutions that our accreditors are accrediting.

I think a lot of those discussions, [inaudible 02:17:19] we can go on it, but we ran into some institutions where it doesn't look very good. If the student can't even earn enough to pay for his education, there needs to be some

accountability there or some decision-making. And if we look at the dashboard and we flag some of these things, we've got to have a way to go in and give our wisdom or opinions on what can be done or try to ensure that the accreditor works with the institutions to do that very thing.

I don't think we can be pleased. Maybe we can be pleased, but we shouldn't be satisfied with what the heck we're doing right now, when we have some of these issues surfacing. And I think the idea of getting more information that we can consider having some of these open discussions, because that word's going to get out. It gets out in the press, it already has, around some of these contentious issues. And I don't want to spend my time on an organization that can't voice a recommendation that will lead to quality improvement. That's the main concern that I have from some of these discussions that we've had. So what could we do, working with staff to improve these data dispatch dashboards and the institutions? It might be great to have kind of a financial analysis section. Maybe it comes in the form of some subsections of some standards that we can really relate student outcomes and cost of education and what it means to student debt to our report.

Arthur Keiser: Steve-

Steve VanAusdle: If we take an action, we're consistent with the standards. If we take a negative action, they got to be a situation where they're not meeting the standards to a sufficient degree, that we feel we need to send that. But then again, Roslyn, how can we provide for the opportunity for some footnotes? And you do accreditation at the regional level. You make an overall recommendation to the commission but then you can make commendations and recommendations to the institution as well. And I think some of those recommendations with the small R, is some of the most valuable information that we can pass back to higher ED institutions. Maybe we have a small R for the accreditors that we're accrediting.

Steve VanAusdle: ... for the accreditors that we're accrediting for suggestions directly from NACIQI, in addition to the standards.

Arthur Keiser: Steven, if I can comment. I would love to create new standards. That'd be great. However, these are the standards of Congress. We're part of the agency, which is the standards that are promulgated in the Higher Education Reauthorization Act. That's what we have to follow, so we don't have that ability to model or mold the standards in what we would like. The second part, I hope that everybody is careful. When you try to look at the bright lines, when you were saying... If what you said were true, everyone of the law schools would not be... We would have to close all the law schools, because the amount of money they have to borrow to go to law school, they will not meet the gainful employment regulation at the end of the second year. It just won't work.

The same thing with chefs, the same thing with artists, the same thing with folks that are taking history. I couldn't have done that with my loans when I

graduated college. So the point I'm making is, we have to be careful. I'm really careful that we don't let the politics that are out there influence the way we look at the agencies. We have a requirement to look at the agencies within the framework of the law and that's our job. And we don't have a statute that says that student debt, and this is to Kathleen's issue, student debt is something we evaluate. We don't evaluate that. And so we have to be careful we stay within our purview otherwise, we will be challenged and I don't think we will be doing the Secretary any... Give any value, if we step outside of what our recommendations are based on the statute. Long-winded response, but [crosstalk 02:22:18]

Robert Shireman: I feel like what... I think what you just said is an example of the kind of tilling and stifling. [Berry 02:22:26], nobody is going to challenge us. We can bring up issues we want to bring up. We can discuss debt as the context. It's about the SDOs decisions, ultimately. And student outcomes, student debt, student earnings, are not politics. They are the real thing that real people deal with. So to suggest that we have to be careful and somehow avoid those topics, is completely contrary to the role that this advisory committee should be [crosstalk 02:22:59].

Arthur Keiser: Bob, I didn't say we avoid the topics. I'm just saying that we don't make our decisions based on extra legal issues. We have a responsibility under the NACIQI charter, is to evaluate the accrediting commissions within the statutes. You can discuss whatever you want, I have not stopped any discussion. I'm just suggesting that we take into consideration, when we make those discussion, that's not what the agencies are doing when they fill out their applications and their petitions to us. They're not being asked that, therefore we're not going to evaluate, we should not evaluate them on those things. Now, if the commission wants to write a standard on student debt, God bless them. That's their choice. That's not our choice to enforce our opinion upon them. So that's all I'm saying, Bob. I'm not saying we shouldn't talk about it. I am saying we shouldn't use that as an evaluation of an agency. I think you're were talking Bob, but you're muted.

Robert Shireman: I would ask you to be careful about saying things like, "You need to be careful," to us. Implying that somehow we're crossing some boundary we're not allowed to cross, but is an unknown and non-existent boundary. I'm just asking you for you to not make those kinds of statements. Especially as Chairman of the committee.

Arthur Keiser: But Bob, all I'm saying is that we don't use them in our decision-making, because that's not what the statute provides for us. But then again, I also ask that the members of the committee are respectful of the agencies and they have... Whether we agree with them or disagree with them, we need to be respectful when we refer to them and to their members. Robert?

Jill Derby: [Bart 02:25:08], this is Jill.

Arthur Keiser: [Robert May 02:25:10] has had his hands up first and then Jill.

Jill Derby: Thank you.

Jennifer Blum: Okay, so the student outcomes discussions are definitely relevant and they relate to the student achievement standard. There's no question about that part. And sometimes we get into discussions that don't tie back. By the way, like the size of schools, for example. But to Bob's point earlier, I think the issue... So Bob was mentioning, he wants to send a message to the department and they get to make their own decision in the end and our recommendation is just that, but I think the problem is they take the recommendation seriously.

So with the ACCSC case, the three years doesn't logistically work anymore. A better... My dogs barking. A better alternative, and this may or may not work would be a way to express the concern. Okay, yeah. We renew for X number of years. That makes sense and is logistically feasible. However, the committee had concerns and these certain expresses concerns in these areas because we don't have the right tools to do anything else with it. And throwing a three-year recommendation out there. I don't think is the best way to achieve the goal.

Arthur Keiser: Okay, Joe, Kathleen, Wally.

Steve VanAusdle: [inaudible 02:26:30] I want to come back because you said something, I want to respond to.

Arthur Keiser: And then you, Steven.

Steve VanAusdle: I'll wait my turn.

Arthur Keiser: Your hands up, but I didn't know if it was from before or after. So let's do, was it Jill and then Kathleen.

Jill Derby: Yeah, let me say a couple of things. I mean, we're talking about boundaries here and different views of boundaries and I support the wider boundaries that we shouldn't kill the discussion. And let's talk about ways that we can incorporate our concerns as we discuss them in a very robust way. I happen to agree with the decision we made and voted for it for the three years. I think it was well-founded. And I also think it's doable given the two years to reply back. That's why we extended to three years rather than the initial motion, which was 18 months, which was unrealistic given the logistics of all that. I just wanted to throw that in, but I want to say in terms of our responsibility to recommend to the Secretary, to recommend to the senior department person. What about... Here's a boundary issue again, are earning outcomes...

You know there was a time before when gainful employment was part of what was appropriately considered? That disappeared. I think given the world we live in now with all the financial issues that are being raised in the data were confronting about student debt, that earning outcomes is an appropriate kind of topic. Is that something we would want to recommend to the Secretary and on

up the chain, frankly, because I think that in today's world, there are major concerns about it. And don't earning outcomes really relate to student success when you're talking about students success not only within the institution but as they leave with whatever credential they have. So I just to reinforce again, our role is advisory and we are a group of pretty smart people that are well informed and I think that I want to argue against tight boundaries here and give us some latitude to talk and discuss and find ways to offer good advice to the Secretary, to the senior department officer. Thanks.

Arthur Keiser: Kathleen. I don't know if you're [crosstalk 02:29:11].

Kathleen Alioto: I'm sorry.

Arthur Keiser: You're in the airport. Would you like to comment Kathleen? You're muted.

Kathleen Alioto: I share some of the highly experienced people on this committee in thinking that the regulations, the new regs that we have and the new regs that are being... That were reinterpreted last year and I would love to see them re-interpreted again, so that it would include some of the things that Steven is referring to and that the realities of what students are dealing with, we are here for integrity and quality. And if you can look at the amount of money that's going into, that students are being encouraged and their parents and families are being encouraged to take out these huge loans and that's what's paying for these, some of the colleges. I think that's wrong. And I think that we do have a response... I feel, I have a responsibility and I think that I was appointed in order to express that responsibility and to try to assist the department and Congress in looking at these problems that students are facing and not helping continue for a longer period. Thank you.

Arthur Keiser: I'm going to have Steven come back and let's see, I hope your hand is up because you've already spoken. I'll have Steven then Wally and Marry Ellen and then Jennifer. And I'm not sure, the call. I'm not sure what... I'm not sure we want... You're welcome in after that. Okay, go ahead, Steven.

Steve VanAusdle: I want to NACIQI him to make a difference and I want my time on NACIQI to be worth it. And this was all about improvement of education and ensuring integrity. We as an organization, I think are earning more and more respect all the time with the Congress and hopefully the Department of Education. Hopefully the Department of Education wants to hear our advice on how we can tweak standards to strengthen the quality measurements of higher education. And I think Congress would be very interested in our opinion as well if we came with the solution to better utilize the money that has gone in to higher education. Now I think we've got pretty darn good standards. I've been through them time and time again. And when an institution meets all standards, they don't usually do it with the first reading and the second reading there's improvement and then it's better.

So we're improving student achievement, I think by just strengthening the institution in many regards there. But I still, I mean, we've created a [inaudible 02:32:54] data dashboard, but if we can't use it because it doesn't relate to a standard, so what? We can at least at our meetings bring up that information and say for this institution, here's the metrics economically, to the best of our ability and let them respond to that. And I think just the fact that it's out there and these institutional representatives are looking at it, and we can question on that is positive. Does that mean it changes the recommendation based on the standards that we're given? Not necessarily. But it sure sends a message. And I think we've got to get innovative and move in that direction if we're going to move the ball in higher ed.

Arthur Keiser: Okay. I hope you remember the order that I suggested.

Robert Shireman: I still [crosstalk 02:33:50].

Arthur Keiser: Wally, you're next.

Wallace Boston: Yeah. So I want to tag onto what Steven said particularly as it relates to a couple of things. First of all, advisory's in our name. And I think that we can give advice on a number of things particularly if there are things that the department does. The dashboards, as I look at them, they're primarily oriented towards undergrads. And we had some agencies that came for us that approved grad schools only. Well, we need to make recommendations to get those dashboards to reflect grad students. The good news is, and I pointed this out. The college scorecard has gone from just collecting information on debt and earnings for undergrads to collecting it for programs at the graduate level.

And it's my opinion and it's why I brought it up with the APA that the agencies that are responsible for grad schools ought to be looking at this, particularly if that information is out there in the college scorecard. So I continue to reflect that... I believe that there's a consensus of our committee on items that may or may not be in the law we can advise. And I support Steven's point on that. And I also suggest that we have an agenda item at some point to... Or a subcommittee to look at the dashboards and see if there's suggestions we can make to make them even better.

Mary Ellen Petrisko: Good. I'm just going to start talking because I know I'm in the list somewhere. I actually want to echo comments about what we do and not so much how we do it, but what we do. Absolutely, I think we should have broad ranging discussions and specific with regard to the issue of debt as I said in my other comments. I think we need to be very careful on what we're looking at, why, what we are attributing to a creditor's responsibility. As I said before, if institution [inaudible 02:36:02] better for checking that institutions are providing all of the relevant information for them, for students and their families to make decisions.

If that is there, the institutions and the accreditors have no control over what decisions were made. If an art student sees that, what they can expect to earn is X and what it's going to cost them for their program is Y, I doubt that very many art students are going to then say, "Oh, I'll be an engineer then." I mean, this is why we have choice in higher education, choice of institutions, choice of program and yes, information. Judging the institution and the accreditor on how that information is applied is not what we should be doing. I'll leave it at that. Thank you.

Jennifer Blum: I think I'm next, it's Jennifer [inaudible 02:36:57] piggyback. So I'm going to be really... I'm with Mary Ellen and... But I think again, looking for middle ground and where we all are on this, I would urge everybody to take some time after the meeting to look at the statutory language, the creation of the NACIQI is section 114 of the act. It's pretty specific that the enforcement, that one of our roles... There are lots of roles, but one of our roles as it relates directly to accrediting agencies ties back to the criteria of standards. So I think we need to stick with the criteria standard. Having said that we can make recommendations to the Secretary for new thing, changes. So that segues me to Steven comments about student achievement. On the student achievement standards having been involved in how that statute was written.

I was one of the people who wanted it to go further in, I was beaten down many years ago on this. And not only are we limited by section 496 provisions on student achievement standards, people felt so strongly that they not go further. That there's an added provision that says that the Secretary cannot interpret that particular provision really any differently than how it was written by Congress. So Steven, I am totally with you but our hands are really tied on student achievement standards. For better or for worse. I think it's for worse, I've always thought it was for worse. So if we want to make a recommendation to Congress or to the Secretary about how it should be handled with Congress. Absolutely, I'm right there with you, but as it relates to how we deal with the accreditors today, our hands are tied. It's frustrating. I'm frustrated, we're all frustrated.

So on the issue of dashboard. I think if we're going to use the dashboard, we need to tie it to our criteria. I support the dashboards for and Bob and I are aligned on it. For contextual purposes, I think it's very important. But as I said, when we were talking about the dashboard with [Brian Fu 02:39:05], if an institution use some of that data, they would be charged with misrepresentation because the data, it's not the department's fault. We have a data problem. So I think we need to be really careful about how we use the dashboard. I think really, really careful. And then finally, on the issue of debt [crosstalk 02:39:26].

Steve VanAusdler: FYI, Mr. Chairman, I have to go in 20 minutes. So I just wanted to flag that for time.

Jennifer Blum: On the issue [crosstalk 02:39:33].

Arthur Keiser: Guess what, we're closing this in 20 minutes.

Jennifer Blum: On the issue of debt and trying to impose that, there's actually written down opinions on what accreditors can and can't do with regard to tuition and costs and institutions. There are anti... Because of the way accreditors work. There are all sorts of anti-trust and anti-competitive rules. I'm again, I'm not saying it's good or bad. I'm just saying that those we have legal guard rails. And so yes, we can speak, Bob. I totally agree with you. We can talk about almost anything, but in terms of being effective advisors, an effective advisory committee, I think we need to focus on the legal, where our roles are and how we bring up topics. And so I think we can talk about how we word that, but I think we do need to be mindful of what our legal... Some of them are unfortunate legal restrictions and where our guard rails are.

Arthur Keiser: Thank you, Jennifer. I have Claude. And then David and Nicole if she really wants to make a presentation and-

Speaker 2: And public comment.

Arthur Keiser: [crosstalk 02:40:49]. And then we have public comment so we need to get through this.

Speaker 3: [crosstalk 02:40:51] public comment. Yeah.

Arthur Keiser: Right, okay.

Speaker 3: Okay.

Claude Pressnell: Well, let me make this real brief because my third recommendation when we get the report call was that we explore the ability to make the motions according to the criteria with, or without concerns. And if we have the ability to do that, that allows us to provide some narrative of additional information that we receive around recommendations, but we keep our recommendations according to what our criteria are restricted to. So I just want to go back to that and say, I think it solves a lot of what we're talking about here. [crosstalk 02:41:30]. Thank you.

Arthur Keiser: Thank you, Claude. David.

David Eubanks: Yes. Thank you. With respect to the dashboard data and other data like that. Some of it obviously is relevant student achievement in recruitment and probably other standards. I think, however, it's too voluminous for us to think that we can work through all that with an agency. I think it would be more helpful perhaps if the department's process included that data, maybe it already is, but I'm not sure. During the adjudication of the standards and became part of the documentary trail where for example, staff could be asking, "Well, you have the standard that says you have super high recruitment standards and yet when

we look at the graduation rates, they're very low. How does that square?" And maybe there's an explanation. It's going to take some time to sort it out. Having all of that in front of us when we come to the meeting, then cast the data in a light that we can make sense of it. I'm not sure we're ever going to be able to make sense of it, in the raw. Thank you.

Arthur Keiser: Well, the other person that has their hand up that hasn't spoken is Nicole. I don't know if you do want to speak or just your hand is up.

Nicole S. Harris: Oh no. I was just replying to Herman comments. He had asked me to respond to Jennifer in reference to the complaint, which it was mentioned in the opening and it just wasn't discussed because it's still in progress and based on due process, it wouldn't be discussed, but the committee of course is welcome to discuss anything they desire.

Arthur Keiser: Okay, thank you. I think I've covered most of the topics. I have assigned to George and to Herman, let's see if you get back on some of those questions that we had, especially it relates to motions and process and procedure. And again, these are ticklish issues. We are a political board whether we like it or not. There are Republicans, there are six from the House and Senate, there's six Democrats from the House and Senate, and there are six from the Secretary. So that was part of the 08 re-authorization and that's what makes this thing so interesting. And we all have different opinions and I hope I do not in any way infringe upon your opinion as Chair. It's really hard. I said to George I'm herding cats. It is fascinating to watch all the discussion and it's been [inaudible 02:44:11]. We have one person now who's an outside... Was originally two people but [Barmak Hasirian 02:44:16] has... I don't know how you sat through all this Barmak but you have. I hope you're here I don't see your name, but you are welcome to have three minutes to make your comments.

Barmak Nassirian: Thank you very much. Can you hear me?

Arthur Keiser: We can.

Barmak Nassirian: Okay, wonderful. And can you see me?

Arthur Keiser: We can.

Jennifer Blum: Yeah.

Barmak Nassirian: Oh, okay. I'm a few steps ahead already. Yes, I have indeed sat through the entire proceeding and have found it quite interesting like you Mr. Chairman. I'll re-introduce myself. My name is Barmak Hasirian and I appreciate the opportunity to again, address the committee on behalf of Veterans Education Success, a non-partisan research policy and student advocacy organization committed to advancing educational opportunities for veterans and military connected students and their families. I'd like to offer five observations for the

committee's consideration. And I hope that it's received then in the spirit in which they are provided, not as criticism of its conscientious and good faith efforts and hard work. So I'll just rattle them off in order.

One, accreditation has historically operated as an opaque insiders activity, which the public and the policy community have happily relied on because it seemed to work. That perception is rapidly changing as instances of waste, fraud and abuse claim hundreds of thousands of victims. And as too many people, including veterans and service members face the prospect of lifelong death and poverty because they attended a post-secondary institution. Two, both the recognition process and accreditation itself have increasingly become self-referential bureaucratic exercises that focus almost entirely on a check the box approach to procedural paperwork compliance with little regard for whether the accrediting bodies or the institutions that they credit effectively enforce their written standard or carry out their commitments in practice. Meeting the statutory standards in other words has been effectively reduced to echoing the law in writing, not in actually implementing the standards.

Three, the department, NACIQI and accrediting bodies have adopted a minimalist kind of less is more philosophy of not only failing to seek for a [inaudible 02:46:32] actively rejecting and refusing to consider empirical information with direct bearing on the veracity of the application and the credibility of the applicants that they review. To give an analogy, this would be tantamount to the FAA disregarding daily airplane crashes while focusing entirely on compliance audits of airlines. Four, the committees recognition process like accreditation itself appears designed to extend the benefit of every doubt to applicants, particularly those seeking renewal of existing recognition in the name of consistency and due process without much consideration for the potential and frankly, probable harm that such leniency could inflict on students down the line.

Finally, to justify its minimalist approach to its advisory responsibility. This committee has willingly embraced somewhat contrived and extraordinarily narrow process conservative view of its jurisdiction and authority despite the fact that nothing in the law prevents it from a more substantive approach to outcomes associated with statutory standards. I appreciate the opportunity and thank you for your efforts.(silence).

Arthur Keiser: Anything to say? (silence).

Speaker 2: Are you there, Art?

Speaker 4: Yeah, Art. We can't hear you.

Arthur Keiser: George, Herman. Do you have anything you'd like to say before we close out the meeting?

George Alan Smith: Thank you for the really rich great conversation around policy of... Took copious notes, clearly we also transcribe the meeting. So just to inform you this transparency issue we're working on already, deep in the throes of that. And again, as I mentioned, we'd already talked about training during some breaks that I think that we thought would be helpful for you all, but I know there are a number of other suggestions you all have made and we'll be working on those with hopefully some actions the next time we meet or going forward. So thanks so much for taking your time and for your commitment to NACIQI and to improving educational quality. Herman, you might have something.

Herman Bounds: I do. Real quickly....I know you said we're going to have trainings, so I won't read anything, but if everybody would just write down two citations for me, because there's a difference in the regulations what the staff recommendation language is versus what NACIQI recommendation is. And I think that caused a lot of confusion yesterday. So first for NACIQI, if you all would look at 602-34, everybody has that 602-34. And if you go down to paragraph G, that talks about the NACIQI recommendations that are in regulations. Now, if you will then also look at 602-32 and if you would go to 602-32-4II, you will notice that the language is different.

That was a problem with the new regulations. So while our recommendation says what it says, according to the new regulations, your recommendation language is different. That's why we had to craft something that dealt with the continued issue. So I think that right there will clear up a lot of the... Some of the confusion that happened throughout the meeting. That's all I needed to say, I won't go into what in detail but if you guys would just look at those two regulatory provisions, I think you'll see where the problem lies in some cases. Thanks Art, and I always enjoy NACIQI's discussions. Thank you.

Jill Derby: Can I make a request that we meet in person next time? That [crosstalk 02:50:51].

Arthur Keiser: You certainly may. We all agree with you. Let's just hope the pandemic is gone. That's what [crosstalk 02:51:02].

George Alan Smith: Yeah, that will be a departmental decision. I know that some of the negotiated rulemaking that's happening in a few months is all online.

Arthur Keiser: Okay.

George Alan Smith: I mean, so that's not in person either. I can't [inaudible 02:51:16], fingers crossed.

Arthur Keiser: Okay. And remember, we're going to either Paris, London or the Plaza hotel. That's the key to this. Okay, folks, thank you so much. It's been certainly a very interesting three days. I wish you all a healthy and safe Summer. Do you not get

COVID please. We need you all back here in February. Thank you. Thank you, bye. Bye everyone.

Jill Derby:

Bye-bye.